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Senate Chamber
Wednesday. 7th March 5. 1879 x

The hour to which the Senate had adjourned - 9 oclock and 30 minutes a.m. - having arrived, the President called the Senate to order x

And the roll being called, it appeared that the following named members were present, and answered to their names, viz =

The President, Mr. Duffie, and Senators Armistead, Boyd, Carlton, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hampton, Hanna, Harris, Hill, Judkins, Kerr, Mitchel, Mulky, Pennington, Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, White, Whittington, Williams, Wilson x

Absent, two Senators Chism and Watkins x

And a quorum announced x

Prayer by the Chaplain, Rev. Mr Buchanan x

Senator Thornton called to the chair x

Under the Rule,
Senator Watson, Chairman of the Committee on Engrossed Bills, reported back as correctly engrossed, Senate Bills Nos. 15-2, 130½, 141, and 42 x

S.B. 132 133 141 142

Senator Tipton moved that the Rules be suspended and that Senate Bill No. 141, entitled "an act to amend section 62, of an act approved 1875, entitled an act to maintain a system of free Common Schools", be taken up for consideration x Which motion was agreed to.

S.B. 141

The bill was then, on motion, read a third time, and placed upon its final passage x

And the question being:
Shall the bill pass?
It was decided in the affirmative×

Ayes ---	25
Noes ---	3
Not Voting --	3

Those who voted in the affirmative are: Senators Armistead, Carlton, Crowley, Duncan Ferguson, Gantt, Gatewood, Hanna, Harris, Hill, Judkins, Kerr, Mitchell, Mosby, Pennington, Reid, Rutherford, Stanford, Thornton, Tipton, Watson, White, Whittington, Williams and Wilson — 25×

Voting in the negative were: Senators Boyd, Terry and the President — 3×

Absent and not voting were: Senators Chism, Hampton and Watkins — 3×

And so the bill passed×

H B 181. On motion, House Bill No. 181, "An act to amend Sections 1, 2, and 3, and to repeal section 3 of an act entitled an act amendatory of existing laws regulating the sale of lands of the State, approved Dec 13. 1895-" was taken up, and read a third time×

Senator Ferguson moved that the bill be referred to the Committee on State Lands, which was agreed to×

A message from the House was received, by John G. Holland Esq. its Clerk, who, being invited within the bar of the Senate, read as follows:

Hall, House of Representatives,
March 5. 1899×

Mr President:

H. B. 114. I am instructed, by the House of Representatives, to inform your honorable body of the passage, by the House of House Bill No 114, "a bill to be entitled an act granting certain lands of the State to the

several counties of this state, wherein said lands are situated, and for other purposes"×

H.B. 129. Also, House Bill No. 129 "a bill to be entitled an act to prevent the sale of ardent spirits within the corporate limits of Magnolia in Columbia County"×

H.B. 179 Also, House Bill, No. 179, "a bill for an act to amend section 5936 of Gantts Digest, and for other purposes"×

H.B. 190 Also, House Bill No. 190, "a bill for an act to be entitled an act for the Prevention of Cruelty to animals"×

H.B. 209. Also, House Bill No. 209, "an act to repeal all laws now in force, under which Holford Bonds or the coupons thereof, are made receivable for lands of this State"×

H.B. 269 also, House Bill No. 269 "an act to change the time of holding the Circuit Court of the County of Washington"×

and herewith respectfully transmit the same for your favorable consideration×

John G. Holland, Clerk×

By Consent, Senator Watson chairman of the committee on Reduction of County Expenses submitted a report which was read as follows=

Mr President=

Your Committee on the Reduction of County Expenses, beg leave to report that they have had under consideration Senate Bills No 136, "an act to cheapen the S.B. 136. collection of the state, county and municipal revenue;" and also Senate Bill No. 116, "an act " 116 to repeal sect. 1 & 2 of an act approved march 9th. 1893, entitled an act to amend sections 195, 196 and 198 of Mills's Digest of the Revenue Laws of the state of Arkansas, to amend Section 5185, and 5186 of Gantts Digest, and herewith report a substitute for the same × Report received and S.B. 170. this substitute bill read a first time × sub for 116-136.

On motion of Senator White the Rules were suspended, and the bill (S.B. No. 170) an act to provide for the redemption of delinquent S.B. 170 lands, and to repeal sections 5185 and 5786 of Gantts Digest was read a second time ×

Senator White moved that the bill be ordered engrossed, and made the special order for Friday next the 7th. inst. at 11 o'clock, a.m.

Senator Terry moved that the special order for 10.30 o'clock be postponed to take up House Bill 114 × Motion lost ×

H.B. 114.

Senator Hamm moved that the special order be postponed to permit him to make a report × Not agreed to ×

And then the special order Senate Bill No. 130. "an act to prescribe the manner in which circuits Courts may decree the adoption of children and change the names of the same" read a third time and placed upon its final passage ×

S.B. 130.

And the Question being = Shall the bill pass ? It was decided in the affirmative ×

Ayes	25
Noes	3
Not Voting	3

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Crowley, Duncan, Gatewood, Hamm Harris, Hill Judkins, Mitchel, Mueller, Pennington, Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, White Whittington, Williams Wilson and the President × 25 —

Voting in the negative were = Senators Ferguson, Hampton and Shaw — 3 ×

absent and not voting were = Senators Brian, Gantt, and Watkins — 3 ×

And so the bill Passed ×

Senator Mitchel presented a petition from Citizens of Magnolia, Columbia County Signed, John Goode M.D. and many others, objecting to any legislation interference with the Sale of liquors in that town ×

H.B. 129

On motion of Senator Whittington the Rules were suspended and House Bill No 129, "an act to prevent the sale of ardent spirits within the corporate limits of Magnolia in Columbia" was taken up and read a first time and the rules being suspended, a second time +

It was then, on motion of Senator Reid made the special order for tomorrow at 11½ oclock a.m.

By Consent Senator Judkins submitted a report which was read as follows =

Hon President =

H.B. 163 Sub. for H.B. 162

Your Committee on Finance to whom was referred Senate Bill No. 163, a substitute for Senate Bill No. 162, and entitled "an act for the relief of R. L. Newton, and his securities on his bond as Treasurer" beg leave to report back the same as being indefinite and ask to have it referred again, having discovered errors in the errors in the bill, after a report recommending its passage had been agreed upon by the Committee +

Report received, and the bill re-committed to the Committee on Finance +

S.B. 171

By Consent
Senator Whittington introduced a bill (SB. 171) entitled an act to donate certain lands of the State to the Little Rock Mississippi River and Texas Railway", which was read a first time +

Under the Rule,
Senator Wilson presented a Resolution which read as follows =

"Resolved, that the committee appointed on the part of the Senate under joint resolution of the two Houses of this General assembly, to visit the Industrial University, and report the condition thereof,

be allowed the amount of their expenses, in the performance of their duty; as such committee, to be certified by the President, as a part of the expenses of the Senate x

The resolution on motion was adopted x

SBl 9-11-125 Senator Neill, Chairman of the Committee on Enrolled bills reported back Senate Bills Nos. 9, 11, and 125- as correctly enrolled x

SB 89 Senator Carlton from the Committee on Public Lands reported back Senate bill No. 89. "an act to allow the redemption of lands forfeited to the state for the non-payment of taxes" recommending that it do not pass but that a substitute bill accompanying it be adopted in lieu thereof x Report received and

on motion of Senator Gudgkins the substitute bill was read a first time x

Senator Hamm, chairman of the Committee on Constitutional amendments, submitted a report which was read as follows =

Mr President =

SJR 6. Your Joint Committee on Constitutional amendments to which was referred Senate Joint Resolution No 6. proposing an amendment to the Constitution of this State, have had the same under consideration, and instructed me to report it back, with a recommendation that it lie on the table, as a similar Resolution is now pending before the House of Representatives x

(S) HB 1215 Senator Armistead from the Committee on Liquor Traffic and Licenses reported back, without recommendation, Senate Bill No. 145, "an act to Prohibit the sale of any kind of ardent or vinous liquors in Gray Township, Pulaski County, Arkansas"

S.B.97.

Senator Mitchel, chairman of the Committee on State Lands, reported back Senate bill No. 97, and without recommendation x

S.B.93

Senator Mitchel from the same Committee, returned, without recommendation, Senate bill No. 93 x

S.J.R.7

Senator Hanna reported back Senate Joint Resolution No. 7, proposing an amendment to the Constitution of the state, and providing "that no citizen shall be entitled to vote unless he shall have paid into the collector of taxes for the county wherein he resides, the full amount of poll tax due on assessment or tax list for the year prior to said election"; with the recommendation that it do not pass x

Senator Judkins moved that the report be adopted x

On which motion Senator Kerr called for the ayes and noes x Call sustained x

And the question being = Shall the report be adopted? It was decided in the affirmative x

Ayes ---	15
Noes ---	14
Not Voting --	2

Those who voted in the affirmative are: Senators Boyd, Crowley, Hanna, Harris, Hill, Judkins, Mitchel, Stanford, Terry, Tipton, Watson, Whittington Williams, Wilson and the President — 15 x

Voting in the negative were: Senators Armistead, Carter, Duncan Ferguson, Gault, Gatewood, Hampton, Kerr, Mulky, Pennington Reid, Rutherford, Thornton, White — 14

Absent and voting: Senators Chiem and Watkins — 2

And so the report was adopted x

H.B. 1091.

Senate Bill 152, "An act to provide for the election and appointment of officers and employees of the General Assembly of the State, and to fix their compensation", being the special order for the hour — 11.30, a.m. — was ordered up for consideration ×

Senate Kerr moved to amend the 12th section thereof

Senate Reid moved as a substitute for the amendment that the 12th section be stricken out ×

Pending consideration of the same, Senator Terry moved that the bill and amendments be referred to the Judiciary Committee ×

Which was agreed to ×

S. B. 42 (?)

The hour of 12 o'clock and 30 minutes having arrived, the special order for that hour was taken up for consideration — it being "An act to repeal sections 4, 6, 10, 14, 24, 29, 32, 34, 40, 42, 56, 58, 59, 61, 62, 65, 69 and 71 of an act entitled an act fixing the regular terms of holding the County Courts of this state, and for fixing the salary of the County Judges, and the Per diem pay of Associate Justices, in the several counties in this state, approved Feby 5th 1875; and also to repeal an act entitled an act to amend an act fixing the regular terms for holding the County Courts of this state, and the Per diem pay of the Associate Justices, in the several Counties in this state, approved 5th. February, 1875, approved March 2nd. 1875; and to fix the regular terms of holding the County courts, and the Salary of the County and Probate Judges of the Counties named in this act" ×

Senator Harris moved that the bill be read a third time and placed upon its final passage × which was agreed to, and the bill was read a third and last time ×

And the question being =
Shall the bill pass?
It was decided in the affirmative ×

Ayes ___ 20
Noes ___ 5
Not Voting -- 6

Those who voted in the affirmative, are = Senators Armistead, Boyd, Crowley, Hardt, Gatewood, Hanna, Harris, Hill, Jackson, Kerr, Mitchell, Mosley, Reid, Rutherford, Stanford, Terry, Tipton, Watson, Whittington, and Wilson — 20 ×

Voting in the negative were = Senators Carlton, Ferguson, Thornton, Williams and the President — 5

Absent and not voting were = Senators Chism, Duncan, Hampton, Pennington, Watkins, and White — 6 ×

And so the bill passed ×

Senator Watson moved to suspend the rules and take up House Joint Resolution No 1. Motion lost ×

And then, at 12 o'clock and 40 minutes, the Senate on motion of Senator White, took a recess until 3 o'clock p.m.

After Recess ×

The hour of 3 o'clock p.m. having arrived the President called the Senate to order ×

And the roll being called, it was found that the following named members were present and answered to their names, viz=

The President Mr. Duffy, and Senators Armistead, Boyd, Coulter, Duncan Ferguson, Gantt Gatewood, Hanna, Harris Hill, Judkins, Kerr, Mitchell, Terry, Mulky, Pennington, Reid Rutherford, Stanford, Thornton, Tipton, Watson, White, Whittington Williams and Wilson ×

Absent= Senators Chism, Crowley, and Watkins ×

And a Quorum announced ×

Senator Coulter presented a report which was read as follows=

Mon President=

The undersigned, a member of your Committee on State Lands would respectfully beg leave to state as a minority report from said Committee, on S.B. No 173, that he dissents from the majority report of said committee returning said bill without recommendation, and would recommend that said bill do not pass in its present shape, but that the accompanying bill be adopted as a substitute therefor ×

S.B. 173.

— The substitute (S.B. No. 173) "An act to extend the time for payment of installments due on lands mortgaged to the Real Estate Bank, in certain cases" was read a first time, and the rules being suspended, a second time ×

H.B. 111.

Senator Pennington reported back, from the Committee on County and County lines, House Bill No. 111, and recommended that the same be referred to the Judiciary Committee ×

On motion of Senator Watson the report was adopted, and the bill so referred ×

S.B. 174. By consent Senator White introduced a bill (S.B. No. 174) "an act to encourage the building of railroads in the State of Arkansas and for other purposes" ×

Read a first time, and, the rules being suspended, a second time ×

It was then, on motion of Senator White referred to the Committee on railroads and other Improvements ×

S.B. 170. By unanimous consent Senator Stanford introduced a bill (S.B. No. 170) "an act to separate the office of Collector of taxes from the office of Sheriff in the County of Phillips, and provide for the election of such officer" ×

Read a first time, and the rules being suspended, a second time ×

It was then, on motion of Senator Stanford, referred to the Committee on Elections ×

S.B. 171. Senator Whittington moved that the rules be suspended, and that Senate Bill No. 171 be taken up for a second reading which was agreed to ×

And the bill "An act to donate certain lands of the State to the Little Rock Mississippi River and Texas railway, was read a second time ×

Senator Terry moved to amend the bill by striking out the words "Pulaski County," wherever they occur in the bill ×

amendment read a first and second time, and then, on motion, adopted;

Senator Mitchel moved to amend the bill by striking out the county of Nevada, wherever the same occurs in the bill ×

Amendment read a first and second time, and then, on motion, adopted ×

Senator Pennington offered a further amendment by moving to strike out the county of Grant from its provisions ×

Read a first time, and the rules being suspended a second time ×

Senator White moved that the bill and amendments be referred to the committee on railroads and other Improvements ×
Agreed to ×

Senator Harris sent to the Secretary's desk a resolution which was read as follows ×

Resolved, that Rule 49 of the Senate be so amended as to read as follows:
When the Senate adjourns, it shall be to 9 a.m. of the next succeeding day, unless another day and hour be specifically named ×

The Resolution, on motion, was adopted ×

H.B. 269. By consent, and on motion of Senator Wilson House Bill No 269, "An act to change the time of holding the Circuit Courts of the County of Washington was called for consideration ×

It was then on motion read a first time, and the rules being suspended a second time ×

Senator Wilson moved that it be made the special order for tomorrow at 10 o'clock a.m. Agreed to ×

H.B. 103

Sen Pennington, by Consent, had House Bill No. 103 called up for consideration × Read a first time, and, under a suspension of the Rules, a second time ×

It was then, on motion of Senator Pennington made the Special order for tomorrow at 12 o'clock M.

S.B. 176.

Senator Gatewood, by consent, introduced a bill (S.B. No. 176) "an act to amend sections 1912 and 1913 of Gantt's Digest", which was read a first time, and, the Rules being suspended, a second time ×

It was then on motion of Senator Gatewood referred to the Judiciary Committee ×

S.B. 177.

Senator Armistead, by Consent, introduced a bill (S.B. No. 177) entitled "an act to amend section 7986 Gantts Digest" × Read a first time, and, the rules being suspended a second time ×

It was then, on motion of Senator Armistead referred to the Committee on State Lands ×

S.B. 178.

By Consent Senator Thornton introduced a bill (S.B. No. 178) entitled "an act to repeal section 3822 of Gantt's Digest" Read a first time, and, under a suspension of the rules, a second time ×

It was then, on motion of Senator Thornton referred to the committee on Judiciary ×

H.B. 115.

On motion of Senator Gantt the rules were suspended, and House Bill No. 115 was taken up read a third time and placed upon its final passage ×

And the question being =
Shall the bill pass ?
It was decided in the affirmative ×

{ Ayes — — 18
Noes — — 11
Not Voting — 2

Those who voted in the affirmative are = Senators Carlton Crowley, Duncan Ferguson, Gantt, Hampton, Harris, Judkins Kerr, Mackey, Pennington, Reid, Stanford Thornton, White, Whittington Wilson and the President — 18x

Voting in the negative are = Senators Armistead, Byrd, Gatewood, Hanna, Hill, Mitchel, Rutherford Terry, Tipton, Watson and Williams — 12

Absent and not voting were = Senators Chain and Watkins — 2

And so the bill passed x

On motion of Senator White House Bill No. 245; entitled "an act to adjust the indebtedness of that portion of territory cut off from Christ county, by act no. 28, approved Feby 10, 1879 entitled an act to change the boundary between the Counties of Christ and Ocaha" was called up for consideration x

H.B. 245

When, Senator White moved that the vote by which the bill was made the special order for tomorrow at 12 oclock be reconsidered x Motion agreed to, and the bill again before the Senate as on its second reading x

Senator White moved to amend the bill as follows, to-wit=

1- Amend lines 24 and 25 of section 1, so to read= "in such manner as is now provided by law, for the payment of County indebtedness" x

2. That the proviso in section 2, shall read as follows = Provided, however, that, in case, at any time hereafter, it may be adjudged by the courts that any or all of said disputed bonds or other disputed debts, shall become a charge upon said County of Christ, - then one-half of such debt or charge shall be assumed and paid by that portion

of the territory cut off from Christ county, and the county court of Lesha county shall proceed to collect and pay over such pro rata, in the manner provided by law.

Amendments read a first time and the rules being suspended, a second time x

And then, on motion of Senator White the bill was made a special order for tomorrow at 11 o'clock a.m.

On motion of Senator Rutherford

H.B. 179. House Bill No. 179, was taken up, Read a first and second time, and then

on motion of Senator Kerr, referred to the Committee on Public roads x

Senator Reid moved that House

H.B. 166. Bill No. 166 be taken up for consideration x which was agreed to x

It was then read a first and second time,

Senator Whittington moved to amend section 8 thereof by inserting in the 28th line, after the words "it is" the following proviso, to wit=

"Provided that nothing in this act shall apply to any unfinished road until twelve months after it is completed and open for business" x

Amendment read a first time, and, under a suspension of the rules a second time x

On motion of Senator White the bill and amendments were referred to the Committee on Railroads and other Improvements x

H.B. 209. Senator Kerr moved that the Rules be suspended, and House Bill No. 209 taken up for consideration x agreed to x

But without further action thereon,

And, on motion of Senator Crowley, the Senate at 5 o'clock and ten minutes P.M. adjourned until tomorrow morning at 9 o'clock

M M Duffie
President of Senate

Attest
Lew T Kretschmar
Secy

Senate Chamber
Thursday, March 6. 1879x

The hour of 9 oclock, a. m. having arrived the President called the Senate to order

And the roll being called it appeared that the following named members were present and answered to their names; viz:

The President, Mr Duffie, and Senators Armistead, Boyd, Carlton, Chism, Crowley, Duncan, Ferguson Gantt. Gatewood, Hanna Harris, Hill Judkins, Kerr, Mitchel Muckey, Pennington, Reid, Rutherford Stanford, Terry, Thornton, Tipton, Watson, Whittington, Williams, Wilson x and the absent= Senators Hampton, Watkins and White x

And a quorum announced x

The Chaplain of the Senate, Rev. Mr Buchanan, not being present, Senator Stanford led in prayer x

The Journal of yesterday was read, and there being no objection thereto, it was approved and signed x

On motion of Senator Watson, Senator Chism was excused for his absence yesterday, because of unavoidable delay x

S.B. 169. The special order, immediately after the reading of the Journal, being Senate bill No. 169, "an act establishing a Court of Common Pleas in the Counties of Columbia Lafayette and Miller, and for other purposes", the same was ordered up, read a third time and placed upon its final passage x

And the Question being= Shall the bill Pass ?= It was decided in the affirmative

Ayes ——— 22
Noes ——— 1
Not Voting — 8

Those who voted in the affirmative are: Senators Boyd, Carlton, Chism, Duncan, Ferguson, Gantt, Galloway, Harris, Hill, Mitchell, Mulkey, Pennington, Reid, Rutherford, Terry, Tipton, Watson, White, Whittington, Williams, Wilson and the President — 22 x

Senator Armistead voted in the negative x — 1

Absent and not voting were: Senators Crowley, Hampton, Jenkins, Kirk, Stanford, Thornton and Watkins — 7

Senator Harris was, by consent, excused from voting — 1

And so the bill passed x

Senator Chism presented a memorial from the Logan County Medical Society, urging that the Legislature establish a State Board of Health x

On motion of Senator Terry the memorial was referred to the Committee on Public Health x

Senator Gantt from the Committee on Finance reported back with the recommendation that it do pass, House bill 133, "An act for the relief of Jonesboro of the Arkansas Institute for the Blind, situated in the city of Arkadelphia, Clark county" x Report received x

H.B. 133.

As in order, the same having been before the Senate on adjournment yesterday the bill of the House, (H.B. 209) entitled "an act to repeal all laws now in force under which Holford Bonds or the coupons thereof, are made receivable for lands of this state" was ordered so, read a first time and the rules being suspended a second time x

H.B. 209.

Senator Watson moved that the bill be made the special order for tomorrow at 10½ o'clock × Agreed to ×

The special order for 10 o'clock and 30 minutes - that hour having arrived - was ordered up, and the bill, being House Bill no 269, "an act to change the time of holding the Circuit Courts of the County of Washington" was read a third time and placed upon its final passage ×

H.B. 269.

And the question being = Shall the bill pass? = It was decided in the affirmative ×

Ayes ---	22
Noes ---	0
not Voting --	9

Those who voted in the affirmative are = Senators Armistead, Boyd, Chism, Ferguson Gatewood, Harris, Hanna, Hill, Mitchell, Muckey Pennington, Reid, Rutherford, Terry, Thornton, Tipton, Watson, White, Williams, Wilson & Whittington & the President — 22 ×

None voted in the negative ×

Absent and not voting were = Senators Carlton, Crowley, Duncan, Gantt, Hampton, Jenkins Kerr, Stanford, Watkins — 9.

And so the bill passed ×

Senator Harris moved that the rules be suspended, and House Bill no. 85 be taken up × motion lost.

H.B. 85.

Senator Hampton appeared in his seat ×

The order being unfinished business,

Senate bill no. 140, entitled "an act to Prohibit the auditor and Treasurer of the state of Arkansas from carrying forward

S.B. 140

on their books and in their reports of the state-
ment of the public debt of the State, the bonds
heretofore issued by the State to aid in the
building of railroads and levees" was ordered
up for consideration x

Senator Watson moved that the
report of the committee on Finance, recommending
the rejection of the bill, be rejected, and on
the motion called for the ayes and
noes x call sustained

And the question being=
Shall the report be rejected?
It was decided in the negative x

Ayes	18
Noes	5
Not Voting	4

Those who voted in the affirmative
are = Senators Armistead, Boyd, Chism
Crowley, Ferguson, Gatewood, Hill,
Mitchil, Muckey, Pennington, Reid, Rutherford,
Tipton, Watson, Whittington Williams,
Watson and the President — 18

Voting in the negative were =
Senators, Crowley, Harris, Hanna, Thornton,
and White — 5 x

Absent and not voting were = Senators
Gantt, Hampton, Judkins, Kerr, Stanford,
and Watkins — 6 x

Senators Duncan and Terry
were excused from voting — 2

And so the motion to reject the
report prevailed x

Senator Watson moved that
the bill be engrossed and made the
special order for tomorrow at 11.40 o'clock a.m.

Which was agreed to x

S.B. 164.

The bill of the Senate (S.B. 720.164) entitled an act to authorize the bonding of the outstanding debt of Faulkner County, at the adoption of the present constitution of this state" was taken up for consideration, and the amendments thereto adopted ×

The bill was then, on motion of Senator Hamma referred to the Committee on Public Expenditures ×

A message from the House was received, by John G. Holland Esq. its Clerk, who being invited within the bar of the Senate, read as follows =

Hall, House of Representatives,
March 6. 1879 ×

Mor President =

I am instructed by the House of Representatives to inform your honorable body of the passage by the House of S.B. 99, entitled an act to provide for the improvement of the streets, alleys, sidewalks and public grounds of municipal corporations" with the following amendment =

S.B. 99

Add to the end of section 1 - "And provided that persons who live in such corporations, shall not be liable to work on any public roads outside thereof ×"

I am hereby return the bill respectfully asking your concurrence in said amendment ×

I am also instructed to inform you of the passage of H.B. No. 82, "an act entitled an act to amend section 1066 of Gantt's Digest ×

H.B. 82

H.B. 85.

Also; House Bill (No. 85; "a bill for an act to be entitled, an act to repeal Section Seventy-five (75) of an act, entitled, "an act fixing the Regular Terms for holding the County Courts of the State, and for fixing the Salary of the County Judges, and the per diem pay of Associate Justices in the several Counties of this State" approved February 5, 1875, and to repeal Section Twenty-four (24) of an act, entitled, "an act to amend the Revenue Law of the State" approved,

March 5. 1895; and to repeal an act, entitled an to amend section seventy-five (75) of "An Act fixing the regular term for holding the County Courts of the State; and for fixing the salaries of the County and Probate Judges, and the per diem pay of associate Justices in the several Counties in this State passed at the present session of the General Assembly; approved March 8. 1895; and to repeal sections three and four (3 and four) of an act, entitled "an act" entitled an act to amend sections six hundred and one and six hundred and two, (601 and 602) of Gantts digest, and to limit the power of County Courts and agents to make Contracts and to Regulate appropriations, approved December 7. 1895; and to repeal an act, entitled an act to amend section seventy-five (75) of an act, entitled "an act fixing the Regular Terms of holding the county Courts of the State, and for fixing the salary of the County Judges, and the per diem pay of associate Justices in the several Counties in this State, approved February 5. 1895"— approved December 14. 1895; and to repeal an act entitled an act to make valid Jurors' Certificates, approved March 8. 1897; and to fix the time for the meeting of the County Courts of this State for the Levying of County taxes, and making appropriations for the expenses of the County, and the manner of carrying into effect Section 30, of article seven (7) of the constitution of the State of Arkansas" x

H B. 212. also; No. B. No. 212 "a bill for an act to be entitled an act to amend the laws of this state concerning railroads and Railroad companies or corporations" 97

H. B. 276. also; House Bill No. 276, an act to amend an act entitled an act to alter the Fifth Seventh and Eighth Judicial Circuits of the State of Arkansas, and to create the Twelfth Judicial Circuit, and to fix the time for holding Courts in the counties composing said circuits x

H. B. 280 also; H. B. 280, "a bill to be entitled an act to prevent the sale of ardent spirits within three miles of Lamartine, Columbia County, Ark"; and herewith respectfully transmit the same for your favorable consideration x

John G. Holland, Clerk x

By Consent Senator Whittington Chairman of the Committee on Railroads and other Improvements reported back Senate bill No 171 together with the amendment thereto and recommended the passage of the bill as there amended × Report received ×

S B 174. Senator Whittington submitted a further report on Senate Bill No. 174, from the same Committee, with the recommendation that it do pass × Report received ×

Senator Pennington calls to the chair ×

On motion Senate Bill No. 174, was ordered engrossed, and to be made the special order tomorrow at 10 o'clock and 30 minutes a. m.

S B 99. Senator Terry moved that the rules be suspended and that Senate bill No. 99, "an act to provide for the improvement of the streets, alleys, sidewalks and public grounds of municipal corporations" be taken up for consideration × agreed to ×

The House amendment thereto was then read a first and second time ×

Senator Terry moved that the bill be made the special order for tomorrow at 10 o'clock × agreed to ×

H. B. 160. The President from a seat on the floor asked that the rules be suspended and House bill No 160, "an act to change the boundary lines lines between Lincoln, Jefferson and Desha Counties, and for other purposes be taken up for consideration × agreed to ×

The bill was then read a first time, and the rules being suspended, a second time ×

It was then, on motion of the President, referred to the Committee on County & County lines ×

Senator White asked leave to file before the Committee protests against the passage of the bill × Permission granted ×

As in order,
Senate Concurrent Resolution

S.C.R. 3. No. 3 was taken up, and on motion laid upon the table

S.J.R. 5 Senate Joint Resolution No. 5, authorizing the Governor to appoint a Commission to draft revised laws to submit to the next Annual Assembly, was taken up and amendment thereto read a Second time ×

Senator Terry moved that the amendment be rejected × Motion agreed to ×

The resolution was then read a third time and adopted ×

And the question being
Shall the Joint Resolution be adopted?
It was decided in the affirmative ×

Ayes	15
Nays	10
Not Voting	6

Those who voted in the affirmative are = Senators Armistead, Chism, Duncan, Gantt Gatewood, Hampton, Hanna, Harris, Hill, Pennington, Terry, Tipton, Whittington, Wilson and the President — 15 ×

Voting in the negative were = Senators Boyd Carlton, Ferguson, Mitchell, Moseley, Reid, Rutherford, Stanford, Thornton, Williams — 10 ×

Absent and not voting were = Senators Crowley, Jenkins, Kerr, Watkins, Watson, White — 6

And so the Resolution was adopted ×

S.B. 124.

Senate Bill, No. 124, "An act to provide for the examination of claims against the State of Arkansas" was taken up and read a third time and placed upon its final passage.

And the question being=
Shall the bill pass?
It was decided in the affirmative.

Ayes	23
Noes	2
Not Voting	6

Those who voted in the affirmative are: Senators Armistead, Boyd, Carlton, Chism, Duncan, Ferguson, Gantt, Gatewood, Hampton, Hanna, Harris, Hill, McKay, Pennington, Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, Whittington and Wilson — 23.

Voting in the negative were=
Senators Mitchell and the President — 2.

Absent and not voting were=
Senators Crowley, Jenkins, Kerr, Watkins, White and Williams — 6.

And so the bill passed.

H.B. 245

House bill No. 245, "An act to adjust the indebtedness of that portion of territory cut off from Christ County, and added to Izard County, by act No. 28, approved February 10, 1879, entitled an act to change the boundary lines between the counties of Christ and Izard" being the special order for 11 o'clock a.m. the same was ordered up, and read a third time and placed upon its final passage.

And the question being=
Shall the bill pass?
It was decided in the affirmative

Ayes	23
Noes	0
Not Voting	8

Those who voted in the affirmative are = Senators Boyd, Carlton, Duncan, Ferguson, Gantt, Gatewood, Hampton, Hanna, Hill, Mitchil, Muckey, Pennington, Reid, Rutherford, Stanford, Terry, Thornton, Tipton, White, Whittington, Williams, Wilson and the President — 23 x

None voted in the negative x

Absent and not voting were = Senators Chism, Crowley, Judkins, Kerr, Watkins, Watson, Armistead, Harris — 8 x

And so the bill passed x

S.B. 129. Senate bill no. 129, "an act to amend section 399 of Gantts Digest" was taken up, read a third time and placed upon its final passage x

And the question being:
Shall the bill pass?
It was decided in the affirmative x

Ayes — — —	17
Noes — —	1
Not Voting — —	13

Those who voted in the affirmative are = Senators Boyd, Carlton, Duncan Ferguson Gatewood, Hanna, Hill, Mitchel, Pennington Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, and Wilson — 17 x

Senator Williams voted in the negative — 1

Absent and not voting were = Senators Armistead, Chism, Crowley, Gantt, Hampton, Harris, Judkins, Kerr, Muckey, Watkins White Whittington and the President — 13

And so the bill passed x

S.B. 119. Senate bill no 119, was taken up for consideration, and the amendments thereto read a second time and, on motion, adopted

On motion of Senator Wilson the bill was ordered engrossed and made the special order for tomorrow at 10½ o'clock

S.B. 88. Senate bill no. 88, "An act to define and furnish certain crimes" was taken up, read a third time, and placed upon its final passage.

Then the question being:
Shall the bill pass?
It was decided in the affirmative

Ayes ---	24
Noes ---	1
Not Voting --	6

Those who voted in the affirmative are: Senators Armistead, Boyd, Carlton, Chism, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Neill, Judkins, Mitchell, Pennington, Reid, Rutherford, Stanford, Terry, Thurston, Tipton, Watson, Whittington, Williams and Wilson — 24.

Senator Kerr voted in the negative — 1.

Absent and not voting were: Senators Hampton, Harris, Mulkey, Watkins, White, and the President — 6.

And so the bill passed.

By Consent,
Senator Judkins of the Finance Committee, sent to the Secretary's desk a report which was read as follows:

Mr President:

S.B. 162, 163. The Committee on Finance to which was referred Senate Bill 162, and Senate Bill 163, for the Relief of R.C. Newton, late Treasurer of State, have had the same under consideration and a majority of said Committee has instructed me to report the same to the Senate, recommending that the bill, No. 163, be adopted as a substitute for No. 162, to be inserted at the end of the preamble, and that the bills thus consolidated be passed.

Report received.

Senator Crowley asked leave to file a minority report from the Finance committee, in connection with said bills 162 and 163, when the same was proposed x Permission Granted x

The hour of 11 o'clock and 30 minutes having arrived, being the hour set apart for the consideration, as a special order, of House Bill No. 129, "an act to prevent the sale of ardent spirits within the corporate limits of Magnolia, Columbia County", the same was taken up read a third time and placed upon its final passage x

H.B. 129.

And the question being = Shall the bill pass? = It was decided in the affirmative x

Ayes — — —	25
Noes — — —	0
Not Voting — —	6

Those who voted in the affirmative, are = Senators Armistead Boyd Carlton Chism, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Hill, Hudkins Kirk Mitchell, Pennington, Reid, Rutherford, Stanford Terry Thurston, Tipton, Watson, Williams Wilson and the President — 25

None voted in negative x

Absent and not voting were = Senators Hamilton, Harris, Mackey, Watkins white and Whittington — 6 x

And so the bill passed x

On consent, Senator Armistead from the select committee on Liquor Traffic and Licenses, reported back Senate Bill No. 27, S.B. 27. "an act to Prohibit retail liquor dealers from selling Spirituous, vinous or malt liquors to habitual drunkards"; with the recommendation that the bill do pass x Report received x

By consent, Senator Carlton, of the Finance committee, presented a report on Senate Bill No. 114, entitled "an act for the management and disposition of persons convicted of misdemeanors and committed to the County Jails" transmitting therewith a substitute bill, and recommending that the substitute bill do pass ×

S.B. 114.

S.B. 179.

The substitute bill (S. B. No. 179) entitled "An act for the management and disposition of persons convicted of misdemeanors and committed to the County Jail" was read a first time, and, the rules being suspended, a second time ×

Senator Terry offered an amendment to strike out the words "one dollar" in section 2, relating to the amount of credit to which a convict may be entitled for his work, and to insert in lieu thereof the words "one dollar and a half" ×

Amendment read a first and second time, and then, on motion, adopted ×

Senator Judkins moved that the bill be made the special order for tomorrow at 11 o'clock a.m. and that it be ordered engrossed × which was agreed to ×

The special order for 12 o'clock, M. being House Bill No. 103, "an act to make valid certain proceedings of the county court of Grant county" was taken up read a third time, and placed upon its final passage ×

H.B. 103.

And the question being =
Shall the bill pass?
It was decided in the affirmative ×

Ayes ---	25
Noes ---	0
Not Voting --	6

Those who voted in the affirmative are = Senators Armistead, Boyd Carlton, Chism, Crowley Duncan, Ferguson, Gantt, Gatewood, Hanna, Hill Judkins Kerr, Manley Pennington, Reid, Rutherford,

Stanford, Terry, Thornton, Tipton, Watson, Whittington, Wilson and the President — 25 x

None voted in the negative x

Absent and not voting were Senators Hampton, Harris, Mitchell, Watkins, White and Williams — 6 x

And so the bill passed x

And then, at 12 oclock and 25 minutes, the Senate took a recess until 3 oclock p.m. x

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After Recess x

The hour of 3 oclock p.m. having arrived the President called the Senate to order x

And the roll being called it was found that the following members were present and answered to their names, viz: The President, Mr Duffie, and Senators Armistead, Boyd, Duncan, Ferguson, Gatewood, Hanna, Harris, Hill, Judkins, Mitchell, Pennington, Reid, Rucker, Stanford, Terry, Thornton, Tipton and Williams x

And a Quorum announced x

On motion of Senator Tipton Senate Bill No. 27, "an act to prohibit retail liquor dealers from selling spirituous, vinous or malt liquors to habitual drunkards" was ordered up, read a third time and placed upon its final passage x

S. B. 27.

And the question being — Shall the bill pass? — It was decided in the affirmative x

Ayes --- 13
Noes --- 6
Not Voting 12

Those who voted in the affirmative are = Senators Armistead Boyd, Ferguson, Hanna, Pennington, Reid, Rutherford Stanford Terry Tipton, Williams, Wilson and the President = 13

Voting in the negative were = Senators Carlton, Gatewood, Neill, Jackson, Mitchell and Thornton = 6

Absent and not voting were = Senators Chism, Crowley, Duncan Grant, Hampton, Harris Kerr Mulky Watkins, Watson White and Whittington = 12 x

And so the bill passed x

A Message from the Governor, by Joblin Esq. his Private Secretary, was received, and the Messenger being invited within the bar of the Senate said as follows =

2

SB 47
Veto

To the Senate.

I find myself compelled, in obedience to the obligation, which I share with you, of an official oath of allegiance to the Constitutions of the United States and of the State, to return, with my objections, Senate Bill No. 47, entitled "An Act to abolish the office of Adjutant General, and for other purposes."

It is not without extreme reluctance, that in any case I could withhold my signature from an Act deliberately approved by the two houses of the General Assembly. I do so now, with the conviction that in the haste of legislative business, the more objectionable features of the proposed measure have escaped attention, and that the reasons which have led me to disapprove it, will be as conclusive to the members of the Legislature, as to myself.

There are, as it appears to me, grounds for grave objection to the provisions of the bill, as being in contravention of sound public policy; yet which might not, possibly, of themselves afford basis for the disapproval of the Executive. To some of these, however, I may direct the attention of the General Assembly.

In that comity, which should of right exist between the different departments of the State Government, it would seem no more than proper that the officer entrusted, by the people, with the discharge of given duties, and held responsible for their performance, should be at liberty to suggest, to the law-making power, the amount and character of clerical assistance requisite to the execution of those duties. I will take this occasion to represent to the General Assembly that the present force in the Executive office is the smallest, in my judgment, at all consistent with the disposition of the public business. I do respectfully request that there be no reduction.

I need scarcely point out the fact, that the abolition of the office of Adjutant General would involve the abandonment of our entire militia system. It is true, the bill makes provision that the Private Secretary of the Governor "shall perform all the duties now performed by the Adjutant General." I do not, however, suppose it can have been seriously contemplated that the actual duties now requiring the utmost diligence on the part of two officers, shall be actually performed by one, or that the correspondence, records, and returns of an enrolled force of 17,000 men, are to be cared for in the leisure of my Secretary.

I cannot perceive that any wisdom or economy is to be found in the militia system. I have, however, no argument to present upon the subject. Our fathers valued that system so highly as to declare, in the Second Article of Amendment adopted to the Constitution of the United States (and it may be noted that all of the earlier amendments to that instrument were adopted as safeguards of the public liberties), that "a well regulated militia is necessary to the security of a free State." The authors of our own State Constitution took care, in like manner, to provide for the maintenance of the militia. They made it the duty of the Governor to see that the laws are faithfully executed." In the language which I found occasion to use

[illegible] message to the General [illegible] "Statutory enactment, [illegible] of statutory enactment, [illegible], or want of appropri[illegible] affect the constitu[illegible] of the Executive [illegible] laws are faithfully [illegible], to avail himself, when [illegible] necessary to that end, [illegible] which the Constitu[illegible] places in his hands [illegible] the form of the militia." It is idle, however, to suppose that armed force can, in any of the ordinary emergencies of affairs, effectively support the laws in season, unless there be preliminary organization [illegible] the organization could exist without certainly one officer specially charged with attention to that duty. The Legislature of Pennsylvania has now enforced, as I learn, in appropriating four millions of dollars to pay its citizens compensation for expenses and damages incurred in recent riots. It might have been cheaper for that Commonwealth to have maintained an effective militia, upon no other ground than the necessity of having some person [illegible] charged with the care of [illegible] property of the State, one [illegible] officer ought to be retained on active duty at headquarters of the State. Nor can I but esteem this an unfortunate moment for an appearance of indifference to the militia service, when it has just demonstrated its utility as an instrument of repression without parade and without bloodshed, disorders which had for years appeared as incurable as they were damaging to the peace of the people, and the interests of the State. I cannot see that the experience of the past has detracted from the value of words used by Gov. E. N. Conway, in a message addressed to the General Assembly many years since:

"It is well to observe and comply with every provision of the Constitution; so that our government may not by neglect or disuse of certain provisions of the Constitution, be virtually changed from what it was provided by the Constitution it should be."

"The Constitution of the United States declares that 'a well regulated militia is necessary to the security of a free State.' The acts of Congress, and the laws of this State, require that the militia shall be organized, armed, and disciplined. In organizing, arming, and disciplining the militia of our State, we are but doing duties enjoined by the Constitution and laws of the United States and this State, and providing what is necessary to the security of our State. It is hoped that you will give such consideration to this subject as its great importance demands, and do whatever is necessary to insure complete organization, and make the militia of our State a high and well-disciplined order of citizen-soldiers."

These considerations, however, are submitted with deference. There are others, arising out of questions of Constitutional law, which I think cannot but be conclusive.

The General Assembly certainly is not vested with power to abolish the office of Adjutant-General. The office was not of its creation, nor can be abolished by no authority short of that which created it. The law upon our statute-books, providing for the appointment of that officer, was merely a re-affirmation of pre-existing and paramount law; it added nothing to the efficacy of the statute of the United States upon the subject, and its repeal can detract nothing.

The *Constitution of the United States*, Art. I, section 8, enumerates, among the powers of Congress, that—

"To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

In pursuance of the power thus granted, the second congress proceeded, at its first session, to pass an act entitled "An Act more effectually to provide for the National Defence, by establishing an Uniform Militia throughout the United States;" which received the approval of George Washington, at that time President of the United States, May 8th, 1792. Among the provisions of that act were the following:

"There shall be an Adjutant General appointed in each State, whose duty it shall be to distribute all orders from the Commander-in-Chief of the State to the several corps; to issue all public requisitions, when the Commander-in-Chief of the State shall review the militia, or any part thereof; to carry all orders from the executive, relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of the different returns, that may be required, and explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which, the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make, in the usual manner, so that the Adjutant General may be duly furnished therewith: From all which returns, he shall make proper abstracts, and lay the same annually before the Commander-in-Chief of the State."

At the second session of the seventh Congress, an act additional to that of 1792 was passed, and approved by Thomas Jefferson, then President, March 2d, 1803; which act is still in force, and the first section of which is in these words:

"It shall be the duty of the Adjutant General of the Militia in each State, to make return of the militia of the State to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act to which this is an addition, to the President of the United States, annually, on or before the first Monday in January, in each year; and it shall be the duty of the Secretary of War, from time to time, to give such directions to the Adjutant Generals of the Militia, as shall in his opinion, be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress, on or before the first Monday of February, annually."

I need not remark upon the obvious incompatibility between these provisions and those of the bill returned. Nor can doubt exist as to which of the two authorities, that of the State or of the United States, must yield in case where power over the subject matter has been so clearly and unqualifiedly granted to Congress. I deem it due, however, to cite some authority on this point, though I am not aware of any variance of opinion on the part of commentators or of courts. I like to adduce [illegible] than I otherwise should, because I feel with you, that [illegible] our every tittle of due allegiance to the National Government is to be paid, it is our equal obligation jealously to guard every right of the States.

Mr. Justice Story, in his commentaries upon the Constitution remarks, respecting the power of Congress "to provide for organizing, arming and disciplining the Militia, &c.":

"This clause was not in the original draft of the Constitution; but it was subsequently referred to a committee, who reported in favor of it; and after considerable discussion, it was adopted in its present shape by a decided majority. The first clause, in regard to organizing, arming, disciplining, and governing the militia, was agreed by a vote of nine States against two. The next, respecting the appointment of officers to the States, after a like effort to amend it by confining the appointment to officers under the rank of general officers, was passed without a division; and the last, respecting the authority to train the militia according to the discipline prescribed by Congress, was passed by a vote of seven States against four."

The conclusive decision of the Supreme Court of the United States, upon the subject, rendered in the case of *Houston vs. Moore*, I prefer to quote from the pages of Chancellor Kent; since it is there tersely stated, and his high authority adds force even to the rulings of the distinguished jurists whom he cites.

"The question how far the State governments have concurrent powers, either legislative or judicial, over cases where the jurisdiction of the government of the United States, has been much discussed. * * * It was observed, in the Federalist, that the State governments would clearly retain all those rights of sovereignty which they had before the adoption of the Constitution of the United States, and which were not by that Constitution exclusively delegated to the Union. The retention of State power or sovereignty would only exist in three cases: Where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union, and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant."

* * * * * * * * *

"In *Sturges* vs. *Crowninshield*,—[4 Wheaton, 193]—the Chief-Justice of the United States [Marshall] observed, that the powers of the States remained, after the adoption of the Constitution, what they were before, except so far as they had been abridged by that instrument. The mere grant of a power by Congress did not imply a prohibition on the States to exercise the same power. Thus, Congress are authorized to establish uniform laws on the subject of bankruptcy, but the States may pass bankrupt laws, provided there be no acts of Congress in force establishing a uniform law on that subject. The States may legislate in the absence of Congressional regulations. It is not the mere existence of the power, but the exercise, which is incompatible with the exercise of the same power by the States. It is not the right to establish these uniform laws, but their actual establishment, which is inconsistent with the partial acts of the States. But the concurrent power of legislation in the States did not extend to every case in which the exercise of it by the States had not been expressly prohibited. The correct principle was, that whenever the terms in which the power was granted to Congress, or the nature of the [illegible], that it should be exercised exclusively by Congress, the subject was completely taken from the State legislatures as if they had been expressly forbidden to act on it." In *Houston* vs. *Moore*, [5 Wheaton], the same principles were laid down by Judge Washington, in delivering the

opinion of the court. He observed, that the power of the State governments to legislate on the subject of the State Militia, having existed prior to the formation of the Constitution, and not being prohibited by that instrument, it remained with the States, subordinate nevertheless, to the paramount power of the general government, operating upon the same subject. If Congress did not exercise the power of providing for organizing, arming and disciplining the Militia, it was competent for the States to do it; but as Congress *had* exercised its constitutional powers upon the subject of the Militia as fully as was thought proper, the power of legislation over that subject by the States was excluded, except so far as it had been permitted by Congress.

The doctrine of the court was, that when Congress exercised their powers upon any given subject, the States could not enter upon the same ground, and provide for the same objects. The will of Congress may be discovered as well by what they have *not* declared, as by what they have expressed. Two distinct wills cannot at the same time be exercised, in relation to the same subject, effectually, and at the same time be compatible with each other. If they correspond in every respect, then the latter is idle and inoperative. If they differ, they must, in the nature of things, oppose each other so far as they do differ. It was, therefore, not a true and constitutional doctrine, that in cases where the State governments have a concurrent power of legislation with the National Government, they may legislate upon any subject on which Congress have acted, provided the two laws are not in their operation contradictory and repugnant to each other.

"Judge Story, in the opinion which he gave in this case, spoke to the same effect, and defined with precision the boundary line between the concurrent and residuary powers of the States, and the exclusive powers of the Union. * *

"In the application of these general principles to the case before the Court, it was observed, that the power given to Congress to provide for organizing, arming, and disciplining the militia was not exclusive. It was merely an affirmative power, and being not incompatible with the existence of a like power in the States, it might well leave a concurrent power in the latter. *But when once Congress has acted on the subject, and carried this power into effect, its laws for the organization, arming and disciplining the militia were supreme, and all interfering regulations of the States suspended.* A State may organize, arm and discipline its own militia, in the absence of, or subordinate to, the regulations of Congress. This power originally existed in the States, and the grant of it to Congress was not necessarily exclusive, unless a concurrent power in the States would be repugnant to the grant; and there was no such repugnancy in the nature of the power. But the question was, whether a State legislature had any concurrent power remaining after Congress had provided, in its discretion, for the case. The conclusion was, that when once the legislature of the Union has exercised its powers on a given subject, the State power over that same subject, which had before been concurrent, was, by that exercise, prohibited; and this was the opinion of the court."

I ought not to omit, in these citations, the views of Professor St. George Tucker [Tucker's Blackstone, 1. 272], since he is known as perhaps the strongest advocate, among all the commentators on the Federal Constitution, of the doctrine of State Rights, as held by the ancient Virginia School, and least likely, of all, perhaps, to lean too strongly to the side of Federal predominance. In discussing the clause of the Constitution, under consideration, he says:

"The objects of this clause of the Constitution, although founded upon the principles of our [Virginia] State Bill of Rights, Art. 8, declaring 'that a well regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defence of a free State,' were thought to be dangerous to the State governments. The Convention of Virginia, therefore, proposed the following amendments to the Constitution: 'That each State respectively should have the power to provide for organizing, arming and disciplining its own militia, whenever Congress should neglect or refuse to provide for the same.' * * room for doubt, or uneasiness, this subject seems to be completely provided for by the fourth article of amendment to the Constitution, since ratified, viz: 'That a militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.' To which we may add, that the power of arming the militia not being prohibited to the States, respectively, by that Constitution, is consequently reserved to them, concurrently with the federal government. In pursuance of these powers, an act passed, 2 Cong., 1 sess., c 33, to provide for the national defence, by establishing an uniform Militia throughout the United States; and the system of organization thereby established, has been carried into effect in Virginia, and probably in all the other States of the Union.

"Uniformity in the system of organization, and discipline of the Militia, the constitutional defence of a free government is certainly desirable, and must be attended with beneficial effects, whenever the occasion may again require the co-operation of the Militia of the several States. The want of [illegible] subjects of the former system of government under the Confederation, and the consequent want of uniformity of organization, and of discipline, among the several corps of militia drawn together from the several States, together with the uncertainty and variety of the periods of service, for which those corps were severally embodied, produced a very large portion of those disgraces, which attended the militia of almost every State, during the revolutionary war; and thus contributed to swell the national debt, to an enormous size, by a fruitless expense.

"By authorizing the federal government to provide for all these cases, we may reasonably hope that the future operations of the militia of the confederated States will justify the opinion, that they are the most safe, as well as the most natural defence of a free state. An opinion, however, which will never be justified, if the duty of arming, organizing, training, and disciplining them, be neglected: a neglect the more unpardonable, as it will pave the way for standing armies, the most formidable of all enemies to genuine liberty in a State."

I close these citations with the opinion of Mr. Sergeant, given in his work on Constitutional Law:

"*It is presumable the framers of the Constitution contemplated a full exercise of all the powers of organizing, arming and disciplining, the Militia; nevertheless; if Congress had declined to exercise them, it was competent to the State governments, respectively, to do it.* But Congress has executed those powers as fully as was thought right, and covered the whole ground of their legislation by different laws; notwithstanding important provisions may have been omitted, or those enacted might be beneficially altered or enlarged.

"*After this, the States cannot enact, or enforce laws on the same subjects*, although their laws may not be directly repugnant to those of Congress—

And the bill in question is directly repugnant to the enactments of Congress—

"yet, Congress, having exercised their will upon the subject, *the States cannot legislate upon it.* If the law of the latter be [illegible] inoperative; if they [illegible] the nature of [illegible], so far as they [illegible] the [illegible] of the Supreme Court of the United States in *Houston* [illegible] would not appear [illegible] ture possesses [illegible] volve the duties [illegible] military or [illegible] Adjutant [illegible] upon such civil officer; the [illegible] United States, which [illegible] ended or in any manner [illegible] subordinate legislation, providing distinctly for the appointment of an Adjutant-General, as such. It is, however, unnecessary [illegible] to advert to Federal authority in this particular. The bill is contradictory in its terms. The first section provides that the Private Secretary shall perform all the duties now performed by the Adjutant General. The second abolishes the office of Adjutant-General. Supposing the bill to be within the province of the General Assembly to enact, then the office either would or would not have been abolished. If it was abolished, then the Private Secretary would not be [illegible] he could not [illegible] exercise an office not in [illegible]. But the law of the United States makes it imperative that there *shall* be an Adjutant General. If *not* abolished, the Constitution of the State, Art. xix, Sec. 6, would incapacitate the Private Secretary from exercising the functions of the two positions.

"No person shall hold or perform the duties of more than one office, in the same department of the Government, at the same time, except as expressly directed or permitted by the Constitution."

The Constitution contains no direction or provision to meet the case. Under the Constitution and laws of the United States, the duties assigned to the office of Adjutant General must necessarily be performed by an officer appointed as Adjutant General, in accordance with the statutory provisions cited. Under the Constitution of Arkansas the same person can not be appointed both Private Secretary and Adjutant General.

It is further obvious that a State has it in its power, by withholding the compensation of the Adjutant General to such an extent that the services of a competent officer could not be obtained, or by other legislation of an unfriendly character, practically to nullify the laws of the United States upon this subject, as upon others. I am happy to be assured that there exists no disposition, among us, directly or indirectly, to nullify any constitutional enactment of congress—least of all, an enactment that has come down to us from the earlier and better days of the Republic.

I should not, at this pressing stage of public business, have occupied to such an extent the attention of the General Assembly upon any matter that I could regard of trifling importance. The question of the abolition of this or that office is, in itself, of small moment. I cannot regard as of small moment any matter which concerns the ability of the Executive, charged, as it is, with the duty of "seeing that the laws are faithfully executed"—to see that they are efficiently and promptly executed when ordinary means of execution fail; or any matter that would, however distantly, suggest the abandonment of the theory of the founders of the Republic, that a citizen soldiery should stand, to a free government, in the place of a large regular army; or any that involves, as this does, the question of hearty allegiance to the Constitution and laws of the United States. The occasion may be humble; but the interests concerned are certainly great.

Since, then, "the supreme law of the land," "the Constitution, and the laws of the United States made in pursuance thereof," declares that "there shall be an Adjutant General appointed in each State," and proceeds to prescribe in detail his duties, I can but conclude that the bill returned would only serve to burden the statute-book, while its appearance there might be maliciously construed as evidence of a sentiment of infidelity to our obligations to the National Constitution, which has no place in the hearts of our people.

W. R. MILLER,
Governor.

EXECUTIVE OFFICE, March 4, 1879.

Senator Watson moved that the consideration of the message be made the special order for Saturday next the 8th inst. at the hour of 10 o'clock a.m.

Which was agreed to x

On motion of Senator Pennington the rules were suspended and House Bill no. 296 was taken up and read a first time, and, under a suspension of the rules, a second time x

H. B. 296

It was then, on motion of Senator Pennington, made the special order for Saturday next at 11 o'clock a.m.

On motion of Senator Bond House Bill 114, "An act granting certain lands of the State to the several counties of this State wherein said lands are situated, and for other purposes" was taken up, read a first time, and, the rules being suspended a second time x

H. B. ..

Senator Terry moved to amend the bill by striking out the words Swamp Lands wherever they occur in the bill x Read first ~~and~~ second time

Senator Reid moved that the amendment be rejected x

Which was ~~agreed to~~ lost x

Senator White to amend the bill by adding thereto the following: "Provided the lands above described lying in the counties of Lonoke Jefferson, Lincoln, Drew and Ashley Counties be exempt from the provisions of this bill" x

Amendment read a first and second time x

Senator Kerr moved that the bill and amendments be referred to the Committee on State Lands x

Which motion was agreed to x

On motion of Senator Kerr Senator Chism was granted leave of absence for the afternoon x

In accordance with request heretofore granted, Senator Crowley sent to the secretary's desk the following report which was read =

Mr President = your Committee on Finance to whom was referred Senate Bill No. 163, a substitute for Senate Bill No. 162, "an act for the relief of R.C. Newton and his securities, as Treasurer, have had the same under consideration, and the undersigned members of said committee do make this as the minority report from said Committee, and in dissent from the majority of said Committee as against the substitute bill x and your minority would recommend the passage of the original bill, No. 162, being of the opinion that this is best for the State, and not unjust to the parties; at the same time we believe there is a much larger amount due the state than that set up in the bill x All of which is respectfully submitted x

SB 163. sub for - SB. 162

B. H Crowley,
R. T. Kerr,
J. F. Neill.
A. H. Ferguson.
W. L. Wamsley x

Report received x

Senator Kerr presented a report from the Finance committee, which was read as follows =

Mr President =

Your Committee on Finance, to whom was referred Senate Bill No. 142, "An Act making appropriations to supply deficiencies in appropriations heretofore made for the Expenses of the State Government," direct me to report that they have had the same under consideration, and have adopted the accompanying bill as a substitute therefor

SB 142

which is now reported to the Senate with the recommendation that it do pass × Report received

R.C. Newton, Bills

Senator White moved that the bills for the relief of R. C. Newton and the securities on his Bond, together with the accompanying reports be referred to the Senate, as in Committee of the Whole, this evening at 7 o'clock and 30 minutes ×

Which was agreed to ×

H.B. 195

House Bill No 195 was taken up on motion, and read a first time and the rules being suspended a second time ×

It was then, on motion of Senator Boyd referred to the Committee on Agriculture

S.B. 181.

By unanimous consent, Senator Wilson introduced a bill (S.B. No. 181) entitled "an act for the reception and safe keeping of the Field Notes, Maps, Records, and other Papers appertaining to land matters in this state, and for other purposes" ×

Read a first time, and the rules being suspended, a second time ×

S.B. 182.

Senator Wilson also introduced a bill (S.B. No. 182) entitled "an act to repeal section 4942 of Gantts Digest"

Read a first time and the Rules being suspended, a second time ×

S.B. 183

Senator Mitchel, by Consent, introduced a bill, (S.B. No. 183) entitled "an act to change and define the line between the Counties of Hempstead and Nevada in this state and for other purposes × Read a first time, and, under a suspension of the Rules a second time

The bill was then, on motion of Senator Mitchel referred to the Committee on County and County Lines

S.B. 165

Senator Crowley moved to call up Senate Bill no 165, "an act to regulate the donation and redemption of Forfeited Lands, and to repeal sections 3905, 3906, 3907 and 3908 of Gantts Digest, and for other purposes."

Upon the motion being agreed to the bill was then read a second time.

It was then, on motion of Senator Crowley made the special order for tomorrow at 10 o'clock

Senator Jenkins called to the chair.

A message from the House was received by John G. Holland Esq. its Clerk, who being invited within the bar of the Senate, read as follows =

Hall House of Representatives,
March 6. 1879.

Mr President =

I am instructed by the House of Representatives to inform your honorable body of the passage by the House of

H.B. 109. H.B. 109 entitled "an act to amend an act to redistrict the state for Congressional purposes, approved November 16. 1875, and to take the Counties of Conway and Pope from the Fourth Congressional district, and attach said Counties to the Third Congressional district, and take the counties of Clark, Pike and Hot Springs from the Third Congressional, and attach them to the second Congressional District.

H.B. 156. Also - House Bill No. 156, entitled "an act to make valid the surrender of all certificates of Purchase of School Lands, Seminary Salines, and Internal Improvement Lands, since the 22nd day of March, 1869, and for other purposes" and herewith respectfully transmit the same for your favorable consideration.

John G. Holland, Clerk

S.B. 184. Senator Ferguson, by consent, introduced a bill (S.B. 184) entitled "an act to take Arkansas County from the Eleventh Judicial Circuit, and place it in the first Judicial Circuit, and to fix the times for holding the Circuit Courts in Certain Counties of the first Judicial Circuit" x Read a first time, and the rules being suspended, a second time x

It was then, on motion of Senator Ferguson, made the special order for tomorrow immediately after the reading of the Journal x

H.B. 280. Senator Reid moved that House Bill No. 280, be taken up for consideration x

Motion lost x

S.B. 185. By consent, Senator Stanford, introduced a bill S.B. No. 185, entitled "an act regulating the Issuance of Insurance Policies in this State" x Read a first time, and, under a suspension of the rules a second time x

It was then, on motion of Senator Stanford referred to the committee on Agriculture x

H.J.R. # 1. Senator Walton moved that the Rules be suspended, and that Senate Joint Resolution No 1. be taken up for consideration Motion agreed to x

The Resolution was then, on motion, made a special order for tomorrow at 11 o'clock x

Senator Reid moved that the Senate do adjourn. Motion lost.

S.B. 171 Senator Whittington moved that Senate Bill No. 171, "an act to donate certain lands of the State to the Little Rock, Mississippi, River and Texas Railway" be taken up for consideration x Motion agreed to x

And the bill being taken up, the President from a seat on the floor sent to the Secretary's desk an amendment as follows =

"Strike out Dorsey county, wherever it occurs in the bill, and insert the following = all that portion of Dorsey county lying south of the township line between townships Ten and eleven"

Amendment read a first and second time, and then, on motion, adopted ×

Senator Reid moved to amend the bill by striking out of the provisions of the same, ~~Dorsey~~ Dorsey county, wherever it may occur, and on the motion called for the ayes and noes × Call sustained ×

Then the question being = Shall the amendment be adopted? It was decided in the affirmative ×

Ayes — — —	15
Noes — — —	6
Not Voting — —	10

Those who voted in the affirmative are = Senators Boyd, Carlton, Crowley, Duncan, Gatewood, Hanna Harris, Judkins, Mitchel Reid, Rutherford Terry Tipton, Watson and the President — 15 ×

Voting in the negative were = Senators Ferguson, Hall Pennington, Thornton, Whittington and Wilson — 6 ×

Absent and not voting were = Senators Armistead, Chism, Gantt, Hampton, Stanford Watkins, White and Williams and Kerr — 9

Senator Mulky was excused from voting — 1

Then so the Amendment was adopted ×

On motion of Senator Pennington Grant county was stricken out of the Provisions of the bill ×

The bill was then, on motion of Senator Whittington, ordered engrossed, and made the special order for Saturday the 8th inst at 11 o'clock a.m.

Senator Mitchel, chairman of the Committee on State Lands reported back House bill no. 181, with the recommendation that the same do pass × Report received ×

Senator Armistead from the Committee on reported back Senate
S B 175 bill no 175; an act to separate the office of collector of taxes from the office of Sheriff of Phillips County, with the recommendation that the bill be submitted to the Consideration of the Committee on Judiciary × Report received

H B 181 Senator Wilson moved that House bill No. 181, entitled "an act to amend sections 1, 2 and 3, and to repeal section 3 of an act entitled an act amendatory of existing laws, regulating the sale of lands of the state, approved December 13 1875-" be taken up for consideration × Agreed to ×

and the bill was then read a third time ×

Senator Reid moved that the Senate do adjourn × Motion lost ×

The bill was then placed upon its final passage ×

And the Question being =
Shall the bill pass?
It was decided in the affirmative ×

Ayes — — —	20
Noes — — —	1
Not Voting — —	10

Those who voted in the affirmative are = Senators Armistead Boyd Crowley, Duncan Ferguson, Gatewood, Hanna, Harris, Hill, Judkins, Mitchel Mulkey, Pennington, Reid, Rutherford, Thurston, Tipton Whittington, Wilson and the President — 20 ×

Senator Coulter voted in the negative

Absent and not voting were= Senators Gantt, Hampton, Kerr, Stanford Terry, Watkins, Watson, White and Williams – 9

Senator Shaw was excused from voting – 1 ×

And so the bill passed ×

And then, at 5 o'clock and 35 minutes the Senate, on motion of Senator Gatewood, took a recess until 7 o'clock and 30 minutes p.m. ×

Night Session ×

The hour of 7 o'clock and 35 minutes having arrived, and the President being absent, Senator Judkins called the Senate to order ×

And the roll being called it appeared that the following named members were present, and answered to their names, viz=

Senators Armistead, Boyd, Carlton, Shaw, Crowley, Duncan, Ferguson, Gatewood, Hanna, Harris, Neill, Judkins, Mitchel, Pennington, Rich, Rutherford, Stanford, Terry, Thornton, Tupton, Watson White, Whittington, Williams and Wilson ×

And a quorum announced ×

The President announced that the question before the Senate was the consideration of Senate Bills 162 and 163, acts for the relief of R. C. Newton and his securities, the same to be taken up in committee of the whole ×

R. C. Newton

The Senate then went into committee, with Senator Wilson in the chair ×

The bill, and majority and minority reports of the Finance Committee were read ×

On motion of Governor Elisha Baxter was invited to appear before the Committee and make a statement touching the matter under consideration ×

And such having been made,

The Senate, as in Committee, on motion of Senator Judkins rose, and through its Chairman, the President having resumed the chair, reported to the Senate that the Committee had Senate Bills 162 and 163 under consideration, and reported the same back without recommendation × Report of Committee received and adopted ×

SB 162 & 163

Senator Carlton moved that the majority report of the Committee on Finance be adopted ×

Senator Crowley moved as a substitute that the minority report be adopted ×

And on the motion, Senator Kerr, called for the ayes and noes, which call was sustained ×

And the question being = Shall the bill pass ? It was decided in the affirmative ×

Ayes —	14
Noes —	10
Not Voting —	7

Those who voted in the affirmative are = Senators Chism, Crowley, Ferguson, Gatewood, Hanna, Hill, Kerr, Reid, Rutherford, Thornton, Tipton, Watson, Williams and Wilson — 14 ×

Voting in the negative were = Senators Armistead, Carlton, Duncan, Harris, Judkins, Mitchel, Pennington, Stanford, Terry and White — 10 ×

Absent and not voting were = Senators Boyd, Gantt, Hampton, Mulky, Watkins —

Whittington and the President — y

And so the minority report was adopted ×

Senator Rice moved a reconsideration of the vote just taken, and

Senator Thornton moved that consideration of the motion be made a special order tomorrow at 10 o'clock a. m × which was agreed to ×

And then, on motion of Senator White, the Senate adjourned ×

Attest
Leo V. Radoszewicz
Secy

M M Duffie
President of Senate ×

Senate Chamber,
Friday March 7. 1879×

The hour of 9 o'clock a.m. having arrived, the President called the Senate to order×

And the roll being called it appeared that the following named members were present and answered to their names, viz: The President, Mr. Duffie, and Senators Armistead, Boyd, Carlton, Chism, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Hill, Jadkins, Kerr, Mitchell, Mundy, Pennington, Reid, Rutherford, Stanford, Terry, Thurston, Tipton, Watson, White, Whittington, Williams and Wilson×

About Senators Hampton and Watkins

And a quorum announced×

On motion of Senator Jadkins the reading of the Journal of yesterday was dispensed with×

Senator Watson moved that Senators Hanna & Rutherford be added to the committee on Engrossed Bills × agreed to×

On motion of Senator Watson the Committee on Engrossed bills was allowed to retire from the Senate chamber for a brief time×

H. B. 184.

The special order for the hour immediately after the reading of the Journal this morning being Senate Bill No. 184, entitled "an act to take Arkansas county from the Eleventh Judicial Circuit and place it in the First Judicial Circuit, and to fix the times for holding the Circuit Courts in certain counties of the First Judicial Circuit", the same was ordered up for consideration×

a third time and placed upon its final passage.

On motion the bill was read

And the question being
Shall the bill pass?
It was decided in the affirmative.

Ayes	14
Noes	5
Not Voting	12

Those who voted in the affirmative are: Senators Armistead, Boyd, Chism, Duncan Ferguson, Gault, Gatewood, Neill, Kerr, Pennington, Stanford, Thornton, Wilson and the President — 14.

Voting in the negative were: Senators Carlton, Jackins, Mitchel, Reid Williams — 5.

Absent and not voting were: Senators Crowley, Hampton, Rutherford Tipton, Watkins, White, Whittington — 7.

Excused from voting were: Senators Hanna, Harris, Mulkey, Terry, Watson — 5.

And so the bill passed.

Senator Watson, Chairman of the Committee on Enrolled Bills reported back as correctly Engrossed Senate Bills Nos. 119, 174 and 140.

Senator Neill, Chairman of the Committee on Enrolled Bills, reported back as correctly enrolled Senate Bills Nos. 30 and 109.

Senator Mitchel, Chairman of the Committee on State Lands, reported favorably upon Senate bill No. 177, and recommended the passage of the same.

Ch. 32

Senate Bill No 132, entitled "An act to regulate the practice in suits for injunction and for the appointment of Receivers" was ordered up, read a third time and placed upon its final passage

And the question being:
Shall the bill pass?
It was decided in the affirmative ×

Ayes ---	26
Noes ---	0
Not Voting --	5

Those who voted in the affirmative are= Senators Senators armistead Boyd, Carlton, Duncan, Gantt, Gatewood, Hanna Harris, Heilb, Goldkind Kerr, Mitchell, Mosley Pennington, Reid Rutherford Stanford, Terry Thornton Tipton, Watson, White, Whittington Williams Wilson and the President — 26×

None voted in the negative ×

Absent and not voting were= Senators Chism, Conoley, Ferguson, Hampton & Watkins — 5×

And so the bill passed

Ch. 133.

Senate Bill No. 133 "an act to provide for appeals from the final orders and judgments of the mayors of Cities of the second class" was taken up, read a third time and placed upon its final passage ×

And the question being=
Shall the bill pass?
It was decided in the affirmative

Ayes ---	23
Noes ---	1
Not Voting --	4

Those who voted in the affirmative are: Senators Boyd, Carlton, Crowley, Duncan, Eatwood, Hanna, Harris, Heile, Jolly, Kane, Kerr, Mitchell, Mullay, Pennington, Reid, Rutherford, Stanford, Terry, Thurston, Tipton, Watson, Whittington, Wilson, and the President — 23 x

Senator Armistead voted in the negative — 1

Absent and not voting were: Senators Gantt, Hampton, Watkins, White, Chism and Williams — 6 x

Senator Ferguson was excused from voting

And so the bill passed x

Senate bill no. 20. "An act to amend section 56 of an act entitled an act to maintain a system of Free common schools for the state of Arkansas", was ordered up for consideration x

It was moved and seconded that the report of the Committee on Education recommended the rejection of the bill be adopted x

Which was agreed to, and the bill thereupon rejected x

Senate bill no. 111, an act to fix the per diem of officers and Employees of the General assembly" was ordered to be taken up

On motion the bill was indefinitely postponed x

A message from the Governor was announced, and the messenger Goblin Esq. being invited within the bar of the Senate, proceeded to read as follows:

Executive Office
State of Arkansas
Little Rock March 4. 1879

To the President of the Senate=
Mor President =

I have approved and signed the following acts= S. B. 9. "an act for the relief of Minors;

S.B. 9

also, S-B. 125, "an act to authorize the County Court of Benton County, or the Judge thereof in vacation to sell or barter the interest bearing State Scrip in the Treasury of said County, for the interest bearing County Warrants of said County, and for other purposes;

S.B. 125.

also, S. B. 71, "an act to amend Section 4644 of Gantt's Digest of the Statutes of the state of Arkansas ×

S. B. 11.

W. R. Miller
Governor

Senate Bill No. 106 "an act to amend Section 3608 of Gantt's Digest" was taken up read a third time and placed upon its final passage ×

S. B. 106.

And the question being=
Shall the Bill pass?
It was decided in the negative ×

Ayes	3
Noes	24
Not Voting	4

Those who voted in the affirmative are = Senators Reid, Thornton and White ×3×

Voting in the negative were= Senators Armistead, Boyd Carlton, Crowley, Duncan Ferguson Grantt, Gatewood, Hanna, Harris, Neil, Jadkins, Mitchel Muckey, Remington, Rutherford Stanford Terry, Tipton, Watson, Whittington, Williams, Wilson and the President — 24 ×

Absent and not voting were= Senators Hampton, Kerr, and Watkins — 3 ×

Senator Chism was excused from voting - 1x

And so the bill failed to pass x

S.B. 99.

The bill of the Senate (S. 73, 772, 99) entitled "An act to provide for the improvement of the streets, alleys, sidewalks and Public Grounds of municipal corporations", was ordered up for consideration x

On motion the House Amendments thereto was read a third time

And the Question being = Shall the Amendment be Concurred in? It was decided in the affirmative x

Ayes — — —	29
Noes — — —	0
Not voting — —	2

Those who voted in the affirmative are = Senators Armistead, Boyd, Caulton, Chism, Crowley, Duncan, Ferguson, Gault, Gatewood, Hanna, Harris, Heil, Judkins, Kerr, Mitchell, Mulkey, Pennington, Read, Rutherford, Stanford, Terry, Thurston, Tipton, Watson, White, Whittington, Williams, Wilson, and the President — 29

None voted in the negative x

Absent and not voting were = Senators Hampton and Watkins — 2 x

And so the Amendment was Concurred in x

S.B. 165

As a Special order, Senate bill No. 165, "An act to regulate the donation and redemption of forfeited lands, and to repeal Sections 3905, 3906, 3907, and 3908 of Gantt's Digest and for other purposes", was taken up for consideration

On motion the bill was read a third time and placed upon its final passage x

And the question being =
Shall the bill pass ?
It was decided in the affirmative

Ayes — — — 26
Noes — — — 0
Not Voting — — 5

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Chism, Crowley, Ferguson, Garett Halsewood, Hanna Harris Hill, Kerr Mitchel Mueley, Pennington Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, White, Whittington Williams and the President — 26 x

None voted in the negative x

Absent and not voting were Senators Duncan, Hampton, Jackins, Watkins and Wilson — 5 x

And so the bill passed x

R. C. Newton } S. B. 162

Senator Reid moved that the vote by which the minority report of the committee on Finance, on Senate bill No. 162, an act for the Relief of R. C. Newton and his sureties as Treasurer of the State of Arkansas, had been adopted, be reconsidered, and on that motion called for the ayes and noes - which call was sustained x.

And the question being =
Shall the vote be reconsidered
It was decided in the affirmative

Ayes — — — 17
Noes — — — 12
Not Voting — — 2

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Duncan, Garett, Harris, Jackins, Mitchel, Mueley, Pennington, Reid, Stanford, Terry, Tipton, White, Whittington, Wilson — 17

Voting in the negative were = Senators Chism, Crowley, Ferguson, Gatewood Hanna, Neill, Kerr, Rutherford, Thurston, Watson, Williams and the President — 12

Absent and not voting were = Senators Hamptin and Watkins — 2

And so the motion to reconsider was adopted ×

And the bill and reports being before the Senate,

Senator Judkins moved that their further consideration be postponed until 7.30 o'clock P.M. × Motion lost ×

Senator Crowley moved to postpone their consideration until 3 o'clock P.M. which motion, also, was lost ×

After some debate,
It was moved that the report of the minority of the Committee be adopted ×

And the Question being = Shall the minority report be adopted? It was decided in the affirmative ×

Ayes	15
Noes	13
Not Voting	3

Those who voted in the affirmation are = Senators Boyd, Chism, Crowley, Ferguson, Gatewood, Hanna, Neill, Kerr, Rutherford, Stanford Thurston, Tipton, Watson, Williams and the President 15

Voting in the negative were = Senators Armistead, Carlton, Duncan, Gantt, Harris, Judkins, Mitchel, Munsey, Pennington, Reid, Terry, White and Wilson — 12 ×

Absent and not voting = Senators Hampton and Watkins — 2

Senator Whittington was excused from Voting × — 1

And so the minority report was adopted ×

On motion of Senator Crowley, the bill was then read a third time and placed upon its final Passage ×

And the question being = Shall the bill pass ? = It was decided in the affirmative

Ayes — — —	27
Noes — — —	3
Not Voting — —	6

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Chism, Crowley, Ferguson, Gatewood, Hanna, Harris, Hill, Kerr, Mitchel, Pennington, Reid, Rutherford, Terry, Thornton, Tipton, Watson, Williams Wilson, and the President — 27×

Voting in the negative were = Senators Gantt, Jenkins and White — 3 ×

Absent and not voting were = Senators Hampton Atkey, Stanford, Duncan and Watkins-6

Senator Whittington was excused from voting — 1

And so the bill passed ×

The special order for 10 o'clock and 20 minutes a. m, being the bill y-the House (H.R. 209) "an act to repeal all laws now in force under which Holford Bonds or the Coupons thereof are made receivable for the lands of this State" the same was ordered up for Consideration ×

H.B 209

On motion the bill was read a third and last time & placed upon its final passage ×

And the question being = Shall the bill pass ? = It was decided in the affirmative

Ayes ——— 23
Noes ——— 1
Not Voting — 4

Those members who voted in the affirmative are: Senators Armistead, Byrd, Chism, Crowley, Ferguson, Gantt, Gatewood, Hearne, Harris, Keile, Kerr, Mitchel, Pennington, Reid, Rutherford Terry, Thornton, Tipton, Watson, Whittington, Williams, Wilson, and the President — 23x

Senator Carlton voted in the negative — 1x

Absent and not voting were=Senators Duncan, Hampton Jenkins, Mullen, Stanford, Watkins and White — 4x

And so the bill passed x

A message from the House was received, by John G. Holland Esq. its Clerk being invited within the bar of the Senate read as follows=

Hall, House of Representatives
March 4. 1879

Mr. President=

I am instructed by the House of Representatives to inform your honorable body of the passage by the House of H. B. No 321. a bill to be an act, entitled an act directing the attorney General to bring suit on certain notes;

H.B. 321.

also, H. B. No 26, a bill to be entitled an act to give Justices of the Peace of this State exclusive jurisdiction in cases of misdemeanors;"

H.B. 26.

and herewith respectfully transmit the same for your favorable consideration x

John G. Holland,
Clerk x

The next special order for the hour of 10.30 o'clock a.m. being Senate bill No. 174. entitled "an act to be entitled an act to

S.B. 174

encourage the building of railroads in the State of Arkansas, and for other purposes", the same was ordered up for consideration x

And then, on motion, read a third and last time and placed upon its final passage x

And the question being = Shall the bill pass ? = It was decided in the affirmative x

Ayes ---	16
Noes ---	7
Not Voting --	8

Those members who voted in the affirmative are = Senators Chism, Duncan, Ferguson, Gantt, Gatewood, Haines, Harris, Hill, Jenkins, Mitchell, Mosby, Terry, Thornton, White, Whittington and Wilson - 16 x

Voting in the negative were = Senators Boyd, Reid, Rutherford, Tipton, Watson, Williams and the President - 7

Senator Armistead was excused from voting - 1

Absent and not voting were = Senators Coulter, Crowley, Hampton, Pennington, Stanford and Watkins - 7 x

And so the bill passed x

On motion of Senator Mitchell was invited to a seat within the bar of the Senate x

S.B. 119. Another special order for the hour of 10.30 o'clock, a.m. being Senate bill No. 119 "An act to extend the time in which to present County warrants for reissue in certain cases", the same was ordered up, read a third time and placed upon its final passage x

And the question being =
Shall the bill Pass?
It was decided in the negative

Ayes ——— 12
Noes ——— 14
Not Voting -- 5

Those who voted in the affirmative are = Senators Boyd, Carlton, Duncan, Hill, Michel, Pennington, Terry, Thornton, Tipton, White, Whittington, and the President — 12

Voting in the negative were = Senators Armstead, Chism, Ferguson, Gantt, Gatewood, Hamm, Harris, Judkins, Mulkey, Reid, Rutherford, Watson, Williams and Wilson — 14

Absent and not voting = Senators Conway, Crampton, Kerr, Stanford and Watkins — 6 x

And so the bill failed to pass x

H.B. 95

The motion to reconsider the vote by which House bill No. 95, "an act to be intitled an act to repeal an act entitled an act to repeal an act entitled an act declaring Petit Jean Creek a navigable stream" approved January 10, 1861" had been being a special order for 11 o'clock a.m. and that hour having arrived, the same was ordered up x

On the motion Senator Terry called for the ayes & noes, and the call sustained

And the question being =
Shall the motion to reconsider be adopted
It was decided in the negative x

S. B. 154.

Senate bill no. 154, "an act prohibiting the removal from the premises of crops on which liens exist" being a special order 11 o'clock a.m. the same was ordered upon consideration, and on motion read a third time and placed upon its final passage +

And the question being=
Shall the bill pass?
It was decided in the affirmative x

Ayes	17
Noes	10
Not Voting	4

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Crowley Duncan, Gantt, Galewood, Hemmer, Hall, Pennington, Rutherford, Terry, Thurston, Tipton, Walton, White, and Whittington — 14 x

Voting in the negative were = Senators Chism, Ferguson, Harris, Jenkins, Mitchell, Mullins, Reid, Williams, Wilson and the President — 10

Absent and not voting = Senators Hamplin, Kerr, Stanford and Watkins — 4

And so the bill passed x

S. B. 170.

The next special order for the hour of 11 o'clock a.m., Senate Bill no. 170, "an act to provide for the redemption of delinquent lands and to repeal sections 5785 and 5786 of Gantt's Digest", was ordered upon consideration x

On motion it was read a third time + placed upon its final passage x

And the question being=
Shall the bill pass?
It was decided in the affirmative x

Ayes	25
Noes	1
Not Voting	5

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Chism, Crowley, Ferguson, Gatewood, Hamm, Harris, Heil, Jacklin, Mitchell, Mulkey, Pennington, Reid, Rutherford, Stanford, Terry, Tappan, Watson, White, Whittington, Williams, Wilson and the President — 25 x

Senator Duncan voted in the negative — 1 x

Absent and not voting = Senators Gantt, Hampton, Kerr, Thornton and Walker — 5 x

And so the bill passed x

H.J.R. 1

House Joint Resolution No. 1, proposing to submit to a vote of the people an amendment to the constitution of the state, forever prohibiting the levying of any taxes for the payment of the principal or interest of any of the Bonds, known as the "Halford Bonds", "Levee Bonds" and "Railroad and Bonds"; being a special order for 11 o'clock a. m. it was ordered up x

On motion of Senator Harris its consideration was temporarily postponed x

The hour of 11 o'clock and 40 minutes, having arrived, being the hour set apart for the consideration of Senate Bill No. 140, "an act to prohibit the auditor and Treasurer of the State of Arkansas from carrying forward on their books and in their reports, of the statement of the public debt of the State, the bonds heretofore issued by the State to aid in the building of railroads and levees" the same was ordered up for consideration x

S.B. 140

It was then, on motion, read a third and last time, and placed upon its final passage x

And the question being = Shall the bill pass? = It was decided in the affirmative

Ayes ——— 20
Noes —— —— 2
Not Voting —— 9

Those who voted in the affirmative are= Senators Armistead, Byrd, Chism, Duncan Ferguson Gatewood, Hanna, Harris, Heill, Mitchel, Mulky, Pennington Rutherford Stanford Terry Tipton= Watson Whittington, Wilson, and the President—20

Voting in the negation were = Senators Crowley and Judkins — 2

Absent and not voting were = Senators Carlton, Gantt, Hampton, Kerr, Reid, Thornton, Watkins, White and Williams — 9 ×

And so the bill passed ×

Senator Judkins moved that the Senate do adjourn × Motion Lost ×

Senator Mitchel moved that the Senate take a recess until 3. P.M. × which was agreed to ×

And then at 12 o'clock and 35 minutes P.M. the Senate took a recess until 30 o'clock P.M.

After Recess ×

The hour of 3 o'clock P.M. having arrived the President called the Senate to order ×

And the roll being called it appeared that the following named members were present and answered to their names, viz=

The President Mr. Duffie, and Senators Armistead, Chism, Byrd, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Heill, Judkins, Kerr, Mitchel, Mulky, Pennington Reid Rutherford Stanford Terry, Tipton

Watson, White, Whittington Wilson

The following named members were absent, viz: Carlton. Hampton. Thornton Watkins and Williams ×

And a quorum announced ×

On motion of Senator White Senator Thornton was granted leave of absence until Monday next × And

On motion of Senator Mitchel Senator Williams was granted leave until the same day ×

Senator Gantt moved ..

S.B. No — Rept of Committee

Senator Wilson chairman of the Judiciary Committee, reported back, with the recommendation that it do pass, Senate Bill No. .. "an act to authorize the attorney General with the approval of the auditor to compromise and settle any cases now pending or which may hereafter be brought in any Court enforcing or restraining the collection of taxes in any of the counties of this state × Rept. Received ×

S.B. 107

Senator Wilson from the same Committee submitted a report on Senate bill number 157, "an act to amend an act to maintain a System of Free Common Schools for the State of Arkansas, approved Decr 7. 1875, with the recommendation that it do pass × Report received

H.J.R. 1

House Joint Resolution No 1. was again taken up for consideration ×

Senator Watson moved that the Senate recede from its amendment thereto ×

And the question being
Shall the Senate recede from its amendment to the Resolution?
It was decided in the affirmation

Ayes — — — 14
Noes — — — 4
Not Voting — — 10

Those who voted in the affirmative are = Senators Armistead, Boyd, Chism, Ferguson Gatewood, Heil, Kirr, Mitchel, Rutherford, Stanford Tipton, Watson, Wilson, and the President — 14 x

Voting in the negative were = Senators Crowley, Harris, Judd kins, Mueller, Terry, White and Whittington — 7

Absent or not voting = Senators Carlton, Duncan, Hampton, Hanna, Hartt Williams, Pennington, Reid, Thornton, Watkins — 10

Previous to the calling of the roll Senator Pennington announced that he had paired with Senator Reid, and therefore did not deem it proper to vote on the question x

Senator Hartt — announced that he, also, had paired with Senator Thornton, and desired not to vote x

And so the motion to recede was agreed to x

Senator Judd kins raised the point of order that the Resolution had never been legally adopted having not received a majority of all the Senators elect - x

after discussion thereon,
Senator Duncan moved that the resolution be read a third time + agreed to x

Senator White moved that further consideration thereof be postponed until Monday next at 11 o'clock a.m. which was adopted.

By Consent,
Senator Harris introduced a bill, (S.B. 186) entitled "an act to amend the Revenue laws of the State and to increase the revenue" Read a first time x

A.B. 1886

Senator Hall moved that the bill be rejected x which was agreed to x

S.B. 107. On motion of Senator White Senate bill No 107, "an act to amend an act entitled an act to maintain a system of Free Common Schools in the State of Arkansas, approved December 7th. 1875-11 was taken up read a third time, and placed upon its final passage x

And the question being= Shall the bill pass?= It was decided in the affirmative x

Ayes ---	13
Noes ---	9
Not Voting --	7

Those who voted in the affirmative are = Senators Duncan, Ferguson, Gantt, Gatewood Harris, Hicks Judkins, Mitchell, Pennington, Stanford Terry, White, Whittington, Wilson and the President — 15 x

Those voting in the negative are = Senators Armistead, Byrd, Chism, Crowley, Hamm Mullay, Rutherford, Tipton and Watson -9 x

Absent and not voting Senators Carlton, Hampton, Reid, Kerr, Thornton, Watkins and Williams —7 x

And so the bill passed x

H.B. 210. On motion of Senator Whittington House bill No. 210 was taken up, read a first time and the rules being suspended a second time x

It was then, on motion of Senator Whittington made the special order for tomorrow at 12 o'clock M.

S.B. 104. Senator Terry of the Judiciary Committee presented a report on Senate Bill No 104, and returned the same without recommendation x

The bill was then, on motion of Senator Terry made a special order for tomorrow at 11 o'clock a.m. x

On motion of Senator Whittington the Committee on Railroads and other Improvements was excused from being present in the Senate Chamber, in order to meet in Committee x

H.B. 172 — Senator Chism moved that House Bill No. 172 be called up x agreed to x

The bill was then read a first time and, under a suspension of the Rules a second time x

It was then on motion made the special order for tomorrow at 11 o'clock a.m.

H.B. 180. — On motion of Senator Wilson House Bill No. 180, was taken up, read a first and second time under a suspension of the rules

And then, on motion of Senator Wilson made a special order 11 o'clock tomorrow morning x

Senator Duncan Called to the Chair

By Consent
Senator Wilson submitted a report from the Judiciary Committee on Senate bill S.B. 100 — No. 100, and returned the same without recommendation x

Under a suspension of the Rules, Senator Gatewood called up Senate S.B. 107. — Bill 107 "an act to amend the law in relation to the practice upon trials at law in civil causes" +

It was then read a third time and placed upon its final passage x

And the question being "Shall the bill pass?"
It was decided in the affirmative

Ayes —— 16
Noes —— 0
Not Voting -- 15-

Those numbers who voted in the affirmative are Senators Boyd, Duncan, Ferguson, Gantt, Hatcwood, Hanna, Harris, Heil, Judkins, Kerr, Mitchel, Pennington, Rutherford, Terry, Tipton and the President — 16 x

None voted in the negative x

Absent and not voting were = Senators Armistead, Carlton, Chase, Crowley, Hampton Mulkey, Reid, Stanford, Thornton, Watkins, Watson White, Whittington, Williams and Wilson, -15- x

H.B. 146. On motion of Senator Pennington House Bill No. 146, was taken up, read a first time and, the rules, being suspended x

It was then on motion made a special order for Monday next the 10th. inst at 11 o'clock a.m. x

H.B. 109. Senator Hanna moved that House Bill No. 109 be taken up for consideration agreed to x

It was then, on motion read a first time and, under a suspension of the rules a second time x

Senator Judkins moved to amend the bill by adding the County of Lawrence to the 4th District x Amendment read a first and second time x

The bill and amendment were then on motion of Senator Watson referred to the Committee on Elections x

And then, at 5 o'clock P.M. the Senate, on motion, adjourned x

Attest
Lee V. Kelsheimer Secretary

W. W. Duffie
President of Senate x

Senate Chamber,
Saturday, March 8. 1879 x

The hour of 9 o'clock a.m. having arrived, the President called the Senate to order x

And the roll being called it was found that the following named members were present, and answered to their names, viz:-

The President, Mr. Duffie, and Senators Armistead, Boyd, Chism, Crowley, Duncan Ferguson, Gatewood, Hanna, Harris Hill Judkins, Kerr, Mitchd, Muckey, Pennington Reid Rutherford, Stanford, Terry, Tipton, Watson, White Whittington and Wilson x

The following named Senators were absent:- Senators Carlton, Gantt, Hampton, Thornton, Watkins and Williams x

Prayer by the Chaplain x

The Journals of Thursday and yesterday were read and approved and signed x

On motion of Senator Pennington leave of absence was granted to Senator Gantt for the day x

Senator Tipton called to the Chair x

Senator Hill, chairman of the Committee on Enrolled bills, reported back Senate Bill, No. 99 as correctly enrolled x

S.B. 179. sub for S.B. 114.

Senator Tipton for the committee on Engrossed bills reported back Senate Bill No. 179, a substitute for S.B. 114, as correctly engrossed x

S.B. 180.

Senator Stanford, from the Committee on agriculture, reported back Senate bill No. 180, with the recommendation that it do pass x

The special order for the hour being called up, it being S.B. 47,

S.B. 47.

Senator Kerr moved that its further consideration be postponed until Monday next the 10th inst. at 10 o'clock a.m. Motion agreed to.

Senator Ferguson, chairman of the committee on Agriculture, reported back House bill No. 195, an act to prevent cruelty to animals, with the recommendation that it do pass.

H.B. 195.

On motion of Senator Duncan the rules were suspended, and Senate Bill No. 147 "an act authorizing the attorney General, with the approval of the auditor to compromise and settle any cases now pending or which may hereafter be brought in any court, enjoining and restraining the collection of taxes in any of the counties of this state" was called up, read a third time and placed upon its final passage.

S.B. 147.

And the question being = Shall the bill pass? It was decided in the affirmative.

Ayes ---	22
Noes ---	1
Not Voting --	8.

Those who voted in the affirmative are = Senators Boyd Crowley, Duncan, Ferguson, Gatewood Hanna Harris Hill, Jenkins, Kerr Mitchel Mueller Remington, Reid Rutherford Stanford Terry, Tilson, Watson White, Whittington and Wilson — 22.

The President voted in the negative.

Absent and not voting were: Senators Armistead, Carlton, Chism Gantt, Hampton Thornton Watkins and Williams — 8.

And so the bill passed.

H.B. 179.

Senator Chism, chairman of the Committee on Public Roads reported back House Bill 179, and recommended that the same do pass x

S.B. 178.

Senator Wilson, chairman of the Judiciary Committee, submitted a report on Senate Bill No. 10, "an act to regulate the sale of property under mortgage and deeds of trust", and recommended that it do not pass x Report received

S.B. 151.

Senator Wilson also submitted a report from the same committee on Senate Bill No. 178 "an act to repeal section 3822 of Gantt's Digest", with the recommendation that it do not pass x Report received

Senator Wilson submitted a further report from said Committee, on Senate bill No. 151, "An act to reduce County expenses" declaring it the opinion of a majority, that the passage of the bill would be contrary to the Constitution, and recommending that the same be rejected x Report received x

Senator Kerr moved that the bill and report be made a special order on Monday night at 12 o'clock, M. Agreed to

H.B. 297.

Senator Wilson presented, from the same Committee, a still report further report on House bill No. 297, and recommended the passage of the same x Report received x

Senator White, from the Committee on Railroads sent to the Secretary's desk a report which was read as follows=

H.B. 166.

Mr President=your Committee on Railroads beg leave to present the following report:

They have had under consideration House bill No. 166, "An act to prevent unjust discrimination in the rates charged for the transportation of passengers and freights on the railroads of this state", and have agreed upon the following amendments=

1st. At the end of section one of said act, add the following = Provided that no railroad company, or railroad shall be deemed guilty of unjust discrimination under the provisions of this act, because it carries freight and passengers received at points where it is brought into competition with any other carrier at lower rates than are charged at other points, or for shorter distances; and provided further that nothing in this act shall prevent railroad companies from giving special or lower rates at any point for the encouragement of the manufacturing mining or agricultural interests of this state, or to encourage immigration ×

Section 2 of said act to be amended so as to read as follows =

Any such individual company or corporation guilty of unjust discrimination as defined in the preceding section shall upon conviction thereof be fined in any sum not less than ten nor more than one hundred dollars for the first offense, and for the second offense shall be fined in not less than twenty nor more than two hundred dollars and for any subsequent offense, upon conviction thereof, shall be fined not more than five hundred dollars ×

Amend section 4. of said act by inserting the words "or passengers" after the word "freight" in the 4th line ×

Strike out section six of said act ×

Amend section 8 of said act by inserting after the words "it is" in 28th line the following = "Provided that nothing in this act shall apply to any unfinished road until 12 months after it is completed and open for business" ×

Amend section 5 by striking out all after the word "corporation" in the 28th line, and insert in lieu thereof "all actual damages sustained"

On motion of Senator White the bill and amendments were made the special order for Monday night the 10th inst. at 11 o'clock ×

Senator Terry moved to reconsider the motion to make it a special order for Monday

Which was agreed to ×

And then, Senator Terry offered the following amendment to the bill, to-wit:

Provided, hmmm, that nothing in this act contained shall be construed to prevent any Railroad company or corporation from making special rates with any person for the transportation of freight in large amounts of a car-load or more at a single shipment, or the shipment of raw materials, to be used in any manufactory in operation in this state, or the transportation of any manufactured articles therefrom; nor shall any thing in this act contained be construed to prevent any railroad company or corporation from adjusting and establishing equal rates of freight and transportation according to the following flexible or movable scale: that is to say, that taking the entire lenght of any such railroad, and the charge for freight or transportation over such entire lenght as units, the rate of freight or transportation for any less distance than, may be determined by the proportion that the distance transported over bears to such entire lenght, with the added increment that results from multiplying the ratio of such proportion by the fraction obtained by making such entire lenght a denominator, and the remaining portion of such entire lenght not transported over a numerator, and deducting from the product thereof the result obtained by multiplying such product by the fraction that represents the ratio aforesaid, as illustrated by the following formula:

supposing the entire lenght to be four hundred miles, the charge over such entire lenght four dollars, the distance transported over, one hundred miles; then the proportion will be as one to four, the ratio of such proportion, be represented by one-fourth, and the rate to be ascertained will be one-fourth of four dollars, plus fifty-six and one fourth cents, the last being the increment obtained by multiplying 1/4 of a dollar by the fraction 3/4, obtained by making the entire lenght a denominator, and the distance not transported over a numerator, and deducting from the product thereof

the result obtained by multiplying such product by the fraction 1/4 it being the ratio aforesaid ×

Amendment was a first time, and, the rules being suspended, a second time ×

The bill and amendments were then, on motion of Senator Reid, made the special order for Monday next, the 10th. inst at 11 o'clock ×

S.B. 176. Senate Gatewood submitted a report on Senate Bill no. 176, "an act to amend sections 1912 and 1913 of Gantt's Digest, with the recommendation that the same do pass × Report received ×

H.B. 160 Senator Pennington presented a report on House Bill no. 160 "an act to change the boundary lines between Lincoln Jefferson and Dicha. counties" and recommended the passage of the bill ×

On motion of Senator White the bill with accompanying papers was recommitted to the Committee on County and County lines ×

Senate Chism of the Special Joint Committee on Insane Asylum sent to the Secretary's desk a majority report which was read as follows =

To the President of the Senate and the Speaker of the House of Representatives of the State of Arkansas=

Your Joint Committee heretofore appointed to visit Hot Springs and Dardanelle Springs, and to report upon the feasibility of locating an Insane Asylum (or Hospital) at one of those points, beg leave to report = That, in obedience to the resolution of the General Assembly, we have visited the two several points, as well, also, the property heretofore purchased, by the State, for that purpose, near Little Rock, and the town of Searcy, in White county ×

That your Committee were induced to visit the property near the city of Little Rock because it was the State property, and stood in nomination as a suitable location for said institution, and they visited the town of Searcy, in White County, in obedience to a resolution of the Senate, authorizing them to do so ×

Your Committee on the — day of — 1879, visited the town of Hot Springs, and was shown all the accessible lands, (or locations) in and near said town. We did not find any lands or locations, as we believe, suitable for the location of the Insane Hospital of this State.

First — Because we could not get tillable land enough, in one body, to meet the necessities of such an institution, and all lands shown us, were rolling, poor and unfit for cultivation.

Second — Because, that owing to, the unsettled condition of the titles of all lands, within one mile of the Hot Springs, we could not recommend, a location within that limit, i.e. — one mile, and that no lands were offered nearer than one mile from said Springs.

Third — Because, all lands offered the State, for the purpose above named, were exorbitant in price.

Fourth — Because, granting that the United States government would permit a free use of the Hot Water, it would cost the State nearly, if not quite five thousand dollars per mile, to convey said water from the Springs.

Fifth — Because, after examining a great number of Reports of superintendents of Asylums of several states of the Union, we find that the efficacy of the Hot Springs water would not prove beneficial in the treatment of but a few cases of lunacy, if any, and the curative properties of these waters, when applied in the treatment of lunacy, would result in the restoration of but few patients, in our judgment.

Your committee state, in relation to the property of the state near Little Rock, that we do not regard it as feasible location, for the asylum for the Insane, from the fact that there is not enough land, in said tract, there being only eighty acres, but little of which is susceptible of cultivation; and the supply of water is inadequate, having to be conveyed by heavy machinery, and through pipes from the Arkansas river, a distance, as we understand, of nearly two miles, which said water would not be palatable or healthy, in the common sense,

and, perhaps, not at all ×

We, your committee, therefore, considering the advantages presented by the various conflicting points for the location of said asylum, and constrained, from a sense of duty, and the best interests of the State, feel inclined to report to this honorable body, that the Dardanelle Springs property, in Yell County, is the most feasible, practicable point for the State Asylum for the Insane ×

First – Because the Dardanelle Springs property consists of 480 acres of fine arable lands, with an elegant building of thirty-five rooms, which might be used immediately with a small additional expenditure of money in the way of arranging window and doors, and heating apparatus & also, near the main building, is an elegant building of six rooms, and one of four rooms, either or both of which can be used by superintendent, physicians and guards × These buildings are situate within a radius of fifty to seventy-five yards of each other, thereby rendering all things convenient, &c

The Springs, five in number, consisting of two white Sulphur, two Freestone (or Iron water), one iron, perhaps the greatest variety and best collection of water to be found, at any point in the State, in so small a radius, none of which being more than thirty feet distant from each other, the Medical properties of which, we are informed and believe are not surpassed by any springs in the State × and all of said springs flow from the bench of the Magazine Mountains, at an elevation of seven hundred feet above the bed or level of the Arkansas river, at the town of Dardanelle, in Yell county ×

In addition to the Springs above named, we would say that there is a large Spring of clear free stone water bursting out of the Mountains at a distance of one-half (1/2) mile from the Main building, and at an elevation of about five hundred feet above the same, which can be conveyed through pipes to supply all the buildings at a very small cost ×

Your Committee further state that they are impressed with the importance

of locating the Asylum off the main lines of travel, and away from the populous centres, on account of the danger of contagious and epidimic diseases, this point being ten miles Southwest of the town of Dardanelle, is perhaps, the most healthy locality in the state, where a bountiful supply of all the necessaries of life can be had at moderate rates x

Your Committee further state the Little Rock and Fort Smith Railroad company have agreed to transport all persons intended as inmates of the Asylum, free of charge and their attendants at half- rates on their line x Provided, the Asylum be established at the Dardanelle Springs, or any point along their road x

The owners of said property purpose to donate one thousand dollars, in Cash, or 100,000 feet of pine lumber, according to order, to be delivered on the property, and also purpose to sell the State this property for the sum of $10.000, half cash, the balance in one, two, three or four years time at Eight per cent x per annum, and they will take the property of the state near Little Rock (heretofore purchased for an Insane Asylum purposes) at whatever the same can, or may be sold for; and to facilitate the sale of this property to advantage will give liberal time on a large portion of the purchase money x

To this place we will contract that building materials of all kinds is abundant and convenient x

We, therefore, as Majority of the Joint Committee recommend to the General Assembly of the State of Arkansas, the Dardanelle Springs as the most suitable location for an Asylum for the Insane x

Ben. B. Chism,
M J Milday
in part of the Senate x
Lewis Miller,
John O. Blackwood
on the Part of the House x

Senator Whittington of the Select Joint Committee on Insane Asylum submitted the following report, which was read:

To the Honorable the Senate and House of Representatives of the State of Arkansas:

The undersigned, a minority of your Joint Committee upon location of an Insane Asylum, feeling constrained to dissent from the majority of the committee, beg leave to report, that they have with their co-members examined all the locations offered or mentioned to them, and recommend that the Asylum be permanently located at Onion Springs, in Garland county, four miles and a half from the city of Hot Springs.

At that place there is offered to the state for the low price of $10.000, a tract of five hundred acres, upon which there is, already located a frame building containing twenty-four rooms, and which, at an expense, not exceeding five hundred dollars, can be extended to contain thirty-six rooms.

There is also upon the land two cottages, a large Stable and out-houses; an abundance of pure water, free-stone, and also a sulphur, and Chalybeate Springs, all within convenient distance of the house. There are two fine natural lawns upon the tract, and about twenty acres is under fence, cleared and in Cultivation; and about 160 acres more, rich and tillable. Clay of good character for making brick, Sand and Building stones of an excellent quality are upon the land, and in the immediate neighborhood, to be had for the taking. Lumber can be had upon the ground for ten dollars a thousand feet, and all articles of food needed for the inmates of the asylum, are plentiful, and can be brought at as low a price as at any place in the State.

The country is mountainous, the air salubrious and free from malaria and the situation, while sufficiently near Hot Springs, is so retired from town and turmoil, to give the quiet and repose, which are essential in treatment of the Insane.

In addition to all these advantages the Hot Springs railroad now runs up the Valley, in the direction of the Onion Springs, for about one mile and a half, and the Citizens of Hot Springs offer, if this location is decided upon to extend the said railroad to the Asylum;

and besides, Joseph Reynolds, Esq. Proprietor of the Hot Springs railroad proposes to carry all patients and supplies to and from the asylum, over his road, at half rates, and contribute as a donation toward the purchase money of the place suggested, the sum of $1000, and a handsome donation, towards its erection & David Thom offers to donate $500 in Cash &

The undersigned are not supposed to deny, the advantages claimed for Dardanelle Springs & They have no wish to make on that place, but they think and believe, that in every respect the preference should be given to the Snow Springs & Dardanelle Springs are sixteen miles from railroad communication, with the Arkansas river to cross; Snow Springs, but 4 1/2, with no ferriage or obstacles between &

The difference in cost of transportation of patients and supplies, will in itself, amount to a considerable annual sum; a weighty consideration, as all the expenses of the institution must be paid by taxation & In healthfulness, beauty of location, amount, purity and variety of waters, Snow Springs are fully equal to Dardanelle Springs, while the former possesses the most desirable advantages of proximity to the far and justly famed Hot Springs

The undersigned are informed that nearly, if not quite half of all cases of insanity are caused by the disease for the cure of which the waters of Hot Springs are specific & Believing this your Committee cannot but believe that the use of these waters would prove beneficial to many of the unfortunate beings for whom we are trying to provide; and they are advised that the great majority of medical men, skilled in treating diseases of the mind concur with them, in this opinion & at but small expense a bath House, especially devoted to this use, can be obtained or erected, at the Hot Springs, and the short distance and easy means of communication will enable their managers to give the patients a daily bath, should it be found necessary

There is one other matter we should mention, which is that the reputation of the Hot Springs will attract from this and other States, the class of patients whose friends are able to pay for their support and treatment, and we believe that payments from such, will at least in part, defray the expenses of the Institution.

After careful examination, and mature consideration, the undersigned believe, for the reasons, and many more and which they cannot give without greatly extending this report, that Sun Springs, should be purchased, and the, respectfully, recommend that that place be purchased, and the asylum, there permanently located & Respectfully

T. M. Whittington
Senate
L. E. Barker
O. A. Gunning
House of Representatives

Senator Chism moved that the majority report be adopted +

Senator Reid as a substitute therefor that the minority report be adopted +

Senator White moved that consideration of the reports be postponed until Monday morning at 9.30 o'clock, at which time, he announced, Col. Zeb Ward would lay before the Senate a proposition for the location and building of an Insane Asylum +

Motion agreed to +

A message from the Governor was received, by Joblin Ery his Private Secretary who, being invited within the bar of the Senate read as follows =

State of Arkansas,
Executive Office,
Little Rock, March 8. 1879 +

To the President of the Senate:

Sir. President = I have

approved and signed the following bills=
S.B. 109. S.B. 109 "an act to regulate the sale of vinous
and malt or fermented liquors" + S.B. 50.
S.B. 50 an act to encourage the building of Railroads
in the state of Arkansas +

W. R. Miller
Governor +

The hour of 11 o'clock having arrived
the special order for that hour, House Bill
H.B. 276. No. 276, "an act to alter the 5th, 7th and 8th Judicial
Circuits of the State of Arkansas, and to create
the 12th Judicial Circuit, and to fix the time for
holding the Courts in the Counties composing
said Circuits", was ordered up for consideration
and a third time and placed upon its final
passage +

And the question being=
Shall the bill pass?=
It was decided in the affirmative

Ayes ---	21
Noes ---	0
Not Voting --	10

Those who voted in the affirmative
are= Senators Boyd, Chism, Crabtree, Duncan
Ferguson, Gatewood, Hanna, Harris, Hill,
Jackins, Kerr, Mitchell, Mosley, Pennington
Reid, Rutherford, Terry, Tipton, White,
Whittington and the President — 21

None voted in the Negative +

Absent and not voting were=
Senators Armistead, Carlton, Garlett, Hampton
Stanford, Thurston, Watkins, Watson, Williams
and Wilson — 10 +

And so the bill passed +
Senator Armistead called to the Chair +
The next special order
S.B. 104 Senate Bill No. 104, "an act to restore
to Perry County territory improperly
detached therefrom and attached to Conway
County, under an act entitled an act to
create the county of Faulkner, and for other

purposes, approved April 11th. 1873" was taken up, read a third time and placed upon its final passage x

And the question being:
Shall the bill pass?
It was decided in the affirmative

{ Ayes — — — 11
Noes — — — 8
Not Voting — — 12

Those who voted in the affirmative are = Senators Boyd, Ferguson, Gatewood, Harris, Judkins, Kerr, Mulky, Stanford Terry, White and Whittington — 11

Voting in the negative were Senators Armistead, Chism, Crowley, Hanna, Neill, Reid, Rutherford, Tipton — 8

Absent and not voting were = Senators Carlton, Duncan, Gantt, Hamplin, Mitchell, Pennington, Thornton, Watkins, Watson, Williams, Wilson and the President — 12

And so the bill passed x

H.B. 172

House bill 172, "An act for the benefit of Fort Smith District High School, located at Bonneville, in the County of Logan;" being another special order for 11 o'clock a.m. the same was taken up, read a third time and placed upon its final passage x

And the question being =
Shall the bill pass?
It was decided in the affirmative

{ Ayes — — — 21
Noes — — — 0
Not Voting — — 10

Those who voted in the affirmative are - Senators Armistead, Boyd, Chism, Duncan, Ferguson, Gatewood, Harris, Hill, Jaskins, Kerr, Mitchell, Mulkey, Pennington, Reid, Rutherford, Terry, Tipton, White, Whittington and the President - 21

Nays voted in the negative x

Absent and not voting were - Senators Carlton, Connelly, Gantt, Hampton, Stanford, Thurston, Watkins, Watson, Williams and Wilson - 10 x

And so the bill passed x

H.B. 180.

House Bill No. 183, being an act to amend an act to regulate the letting of Public contracts, approved November 28, 1894, was taken up as the next special order, read a third time, and placed upon its final passage x

And the question being - Shall the bill pass? It was decided in the affirmative

Ayes	17
Nays	14
Not Voting	10

Those who voted in the affirmative are - Senators Armistead, Boyd, Duncan, Ferguson, Gatewood, Harris, Hill, Kerr, Mulkey, Pennington, Reid, Rutherford, Terry, Tipton, White and Whittington - 17

Voting in the negative were - Senators Chism, Jaskins, Mitchell and the President - 4

Absent and not voting were - Senators Carlton, Connelly, Gantt, Hampton, Stanford, Thurston, Watkins, Watson, Williams and Wilson - 10 x

And so the bill passed x

H.B. 210. The next special order House Bill No 210, "an act to prevent obstructing the channel of Bayou Bartholomew" was called up, read a third time, and placed upon its final passage ×

And the question being=
Shall the bill pass?=
It was decided in the affirmative ×

Ayes — — — 19
Noes — — — 3
Not Voting — — 9

Those who voted in the affirmative are= Senators Armistead Boyd Crowley Duncan, Ferguson Gatewood Hanna Harris Hill, Kurr, Mitchel, Mucklig Reid Rutherford, Terry Tipton, White Whittington and the President — 19

Voting in the negative were= Senators Chism Judkins, Pennington — 3

Absent and not voting were Senators Carlton Gantt Hampton, Stanford Thornton, Watkins, Watson, Williams and Wilson — 9 ×

And so the bill passed ×

S.B 171. Senate bill No. 171. the next special order, "an act to donate certain lands of the state to the Little Rock Mississippi River and Texas Railway" was taken up, read a third time, and placed upon its final passage ×

And the question being=
Shall the bill pass?=
It was decided in the affirmative ×

Ayes — — — 17
Noes — — — 4
Not Voting — — 10

Those who voted in the affirmative are = Senators Armistead Crowley, Duncan Ferguson Gatewood, Hanna Harris Hill, Jenkins Kerr, Mitchel Munday, Pennington, Terry, White, Whittington and Wilson — 17 x

Voting in the negative were = Senators Chism, Reid, Rutherford, and the President — 4

Absent and not voting were = Senators Boyd, Carlton, Gantt, Hampton Stanford, Thurston, Tipton, Watkins Watson, and Williams — 10

And so the bill passed x

S.B. 179

The bill of the Senate, (S.B. 170-179) entitled "an act for the management and disposition of persons convicted of misdemeanors and committed to the County jail" was taken up next a third time and placed upon its final passage x

And the question being = Shall the bill pass? = It was decided in the affirmative

Ayes	19
Noes	2
Not Voting	10

Those who voted in the affirmative are = Senators Armistead Boyd Chism Crowley Duncan Ferguson, Harris Hill Jenkins, Kerr, Munday Pennington, Reid Rutherford, Terry Tipton, White, Whittington, and the President — 19 x

Voting in the negative were = Senators Gatewood and Mitchel — 2 x

Absent and not voting were = Senators Carlton Gantt Hampton Hanna, Stanford Thurston, Watkins Watson and Williams — 10 x

And so the bill passed x

S.B 73.

On motion of Senator Kerr Senate Bill No. 73 was taken up for consideration x

Senator Kerr then offered the following amendments =

Amend section 8 by adding = Provided that the owner of the equity of redemption may have a preferred right of purchase for sixty days after such public notice x

Amend section 9 by striking out the word "third" in line 4 of said section and inserting in line 5 of said section, between the words "two" and "years" the following words to-wit: three and four; and by striking out the word "and" in same line x

Amend section 11 by filling the blank in line three of said section by inserting the word "January" x

Amendments read a first time and, the rules being suspended, a second time x

Senator Kerr offered the following further amendment to the bill, to be known as section 12 = such section in the bill to be hereafter known as and numbered section 13 =

Section 12.- That the owner of the equity of redemption of certain lands mortgaged to the Real Estate Bank, and who may by the terms of the decree of foreclosure, allowed to discharge the liability resting on such lands in fifteen annual installments, shall, upon their application, have the time extended until the first day of January 1880, in which to pay the installments due, and or before January 1st 1878. and that upon like application, the time for the payment of each and all of said installments falling due after January 1st. 1878, be extended for two years from the maturity of said installments respectively, and that beyond such extension of time for payment of installments to those who may desire to avail themselves of it this act is in no wise to affect the rights of the State or of other parties to such agreement x

Amendments read a first time and, the rules being suspended, a second time & it was then on motion adopted x

Senator Kerr moved that the bill be ordered engrossed, and made the Special order on Monday next at 3 o'clock p.m.

Which was agreed to x

S.B. 161. On motion of Senator White, Senate Bill No. 161 "an act to define the Eleventh Judicial Circuit and to fix the times for holding the Circuit Courts therein" was taken up & read a third time and placed upon its final passage x

And the question being = Shall the bill pass? It was decided in the affirmative

Ayes ———	19
Noes ———	0
Not Voting —	12

Those who voted in the affirmative are = Senators Armistead, Chism, Duncan Ferguson, Gatewood, Hanna, Hill, Kerr, Mitchel, Pennington, Reid, Rutherford, Terry, Tipton, White, Whittington, Wilson and the President — 19

None voted in the negative x

Absent and not voting were = Senators Carlton, Connelly, Grant, Hampton Harris, Jenkins, Mulsky, Stanford, Thornton Watkins, Watson and Williams — 12

And so the bill passed x

Senator Reid moved that the Senate do adjourn x motion lost x

Senator White moved that the Senate take a recess until 3 o'clock p.m. agreed to x

And then at 12 o'clock and 45 minutes the Senate took a recess x

After Recess ×

The hour of three o'clock p.m. having arrived, the President called the senate to order ×

After the roll being called it was found the following named members were present and answered to their names, viz:-

The President Mr Suffle, and Senators Armistead, Boyd Chism Duncan Crowley, Ferguson Gatewood Haines Hill Kerr, Mitchel Mucky Reid Pennington Rutherford Terry Tipton, Wilson Hampton Walker White and Whittington

Absent and Senators Carlton, Gantt, Jodkins Stanford, Thornton Watkins and Williams

Senate Armistead reported back House Bill No 109, with the recommendation that it do pass

H.B. 109

Senator Kerr moved that the bill be read a third time and placed upon its final passage × motion lost ×

Senator Chism moved that House bill No 141 be taken up for consideration × agreed to ×

H.B. 141.

The bill was then read a first time, and the rules being suspended a second time ×

It was then, on motion made a special order for Monday next at 11 o'clock a.m.

On motion of Senator Mitchel the Senate suspended its regular order, and passed to the consideration of House bills ×

House bill 212 was then taken up and read a first and second time ×

H.B. 212.

Senator Kerr moved that it be made the special order on Tuesday next the 11th inst at 11 o'clock a.m. x which was agreed to x

H.B. 195 — On Motion of Senator Boyd House Bill No. 195 — "an act for the prevention of Cruelty to animals" was called up, read a third time and placed upon its final passage x

And the Question being = Shall the bill pass? = It was decided in the affirmative

Ayes — — —	19
Nays — — —	5
Not Voting — —	7

Those who voted in the affirmative are = Senators Armistead, Boyd, Duncan, Ferguson, Gatewood, Hanna, Harris, Hall, Kerr, Mitchel, Mulkey, Cunnington, Reid, Rutherford, Terry, White, Whittington, Wilson and the President = 19

Voting in the negative were = Senators Chism, Crowley, Hamilton, Tipton, Walton — 5

Absent and not voting were = Senators Carlton, Gantt, Judkins, Stanford, Thornton, Watkins and Williams — 7 x

H.B. 280 — House Bill No. 280, was taken up, read a first time and, under a suspension of the Rules, a second time x

It was then, on motion of Senator Reid, made a special order for Tuesday the 11th inst. at 10 o'clock a.m. x

H.B. 297 — On motion of Senator Cunnington House Bill No. 297 was taken up, read a third time, and placed upon its final passage x The bill is an act to prescribe the time for holding the Circuit Courts in the Eight Judicial Circuit x

Hur the question being=
Shall the bill pass?
It was decided in the affirmative

Ayes ——— 21
Noes ——— 0
Not Voting —— 10

Those who voted in the affirmative are Senators armistead Boyd Chism Crowley, Duncan, Galemore Hanna Harris Hill, Kerr Mitchel mulkey Pennington, Reid, Rutherford, Terry, Tipton, Watson White Whittington, and the President — 21×

None voted in the negative ×

Absent and not voting were=Senators Coulter, Ferguson, Gantt, Hampton, Judkins Stanford, Thornton Watkins, Williams and Wilson — 10

And so the bill passed ×

H.B. 101 — House bill No. 101. was taken up, read a first + second time and placed on the calendar ×

Sen Tipton called to the Chair ×

By Consent Senator Chism submitted the following =

Mr President = I move that the Special Committee on Insane Asylum, who was directed to visit Hot Springs and the Dardanelle Springs, be allowed the money actually paid out as expenses, in visiting said points ×

Which was agreed to ×

H.B. 85 — On motion of Senator Watson House Bill No. 85 was taken up read a first time, and the rules being suspended a second time × It was then on motion made a Special order for Tuesday next at 11.30 a.m. ×

H.B. 179. Senator Rutherford moved that House Bill No. 179, an act to amend section 5336 of Gantt's Digest and for other purposes" be taken up +

Which being agreed to the bill was read a third time and placed upon its final passage +

And the question being = Shall the bill pass? = It was decided in the affirmative +

Ayes — — —	13
Noes — —	7
Not Voting — —	11

Those who voted in the affirmative are = Senators Boyd, Chism, Duncan, Hamm, Kerr, Pennington, Reid, Rutherford, Terry, Tipton, White, Wilson and the President = 13

Voting in the negative were = Senators Crowley, Ferguson, Gatewood, Harris, Neill, Mitchell, Mulkey — 7

Absent and not voting were = Senators Armistead, Carlton, Gantt, Hampton, Jenkins, Stanford, Thurston, Wallace, Walker, Whittington and Williams — 11

And so the bill passed +

H.B. 101. On motion of Senator Terry House Bill No 101, "An act to amend an act entitled an act to regulate proceedings in County Courts in case of Bastardy" was taken up +

And Senator Terry offered thereto the following amendment =

Amend Section 3 by adding at the end thereof the following = "and if such person shall refuse or neglect to enter into bond with security as above provided, the County Judge shall commit him to the jail of the County, there to remain until he shall comply with

such order, or until he shall be otherwise discharged, according to law" x

Amendment read a first and second time, and then, on motion ordered x

The bill was then, on motion of Senator White made the special order Thursday, next at 11 o'clock a. m.

S.B. 187 By consent Senator Hunt introduced a bill (S.B. No. 187) entitled "an act to repeal Section 2779, Chapter 57 of Gantt's Digest"

Read a first time, and, the rules being suspended a second time x It was then on motion made a special order for Tuesday, next at 12 o'clock x

H.B. 211. On motion of Senator Whittington the rules were suspended, and House Bill No. 211 taken up for consideration x

It was then read a first time and, the rules being suspended a second time x

Senator White submitted a proposition from Col. Zeb Ward in relation to an Insane Asylum, which was read as follows =

To the General Assembly of the State of Arkansas =

Regarding the proposed erection of buildings for an Insane Asylum, the undersigned makes the following propositions =

First: to convey to the state one hundred acres of land in the South east quarter of Section 29, Township 2 north in range 12 west; within two miles of Little Rock, and in any way suitable for the location of such an asylum, and to put up and complete the buildings, according to the plans and specifications thereof, now in the hands of the Commissioners of the Insane Asylum for one hundred and fifty of the six per cent bonds of the State, commonly known as the "Lougborough Bonds"

Second - to convey the same lands above named to the State, and to put up the main building and one of the wings thereof, according to the said plans for one hundred and twenty-five of the said bonds x If your honorable body approve of the propositions has made, or either of them I will make out the same in a more formal manner, as may be required.

Respectfully, Geo. Ward x

March 8. 1879 x

On motion of Senator White it was made a special order for Monday the 10th inst. at 4.30 o'clock p.m.

H.B 254. House Bill No. 254, was taken up, read a first time and, the rules being suspended a second time ×

It was then, on motion of Senator Mitchel made a special order for Tuesday next at 11 o'clock

S.B 76. Senate Bill No. 76, "An act for the security of the funds of the state in the Treasury", was ordered up; read a third time, and placed upon its final passage

And the Question being = Shall the bill pass? = It was decided in the affirmative

Ayes — — —	9
Noes — — —	11
Not Voting — —	11

Those who voted in the affirmative are: Senators Boyd Crowley Duncan Heil, Reid, Terry Watson White — 8

Voting in the negative were: Senators Armistead Chism Ferguson, Galloway, Hanna, Harris, Mitchel Mulkey, Pennington Rutherford, Tipton — 11 ×

S.B. 188 By consent Senator Hanna introduced a bill (S. B. No. 188) entitled "An act changing and defining the county lines between the counties of Conway and Faulkner, and Conway and Van Buren" ×

Read a first time, and the rules being suspended, a second time × It was then on motion referred to the Committee on County and County lines ×

Senator Terry offered a resolution which was read as follows =

Whereas, the continually increasing amount of work accumulating on the hands of the Engrossing Clerk, renders it necessary for said Clerk, to have assistance, therefore be it

Resolved, that the Engrossing and Enrolling Clerk of the Senate be, and she is hereby authorized to employ one assistant to aid her in the Engrossment and enrollment of Senate Bills ×

The resolution on motion was adopted ×

On motion of Senator White

H.B. 102 House Bill No. 102 was taken up & read a first time and the rules being suspended a second time ×

Senator White offered the following resolution =

Resolved, That the Secretary of the Senate be, and he is hereby authorized to employ an additional clerk to assist the Journal Clerk of the Senate, but at no greater expense than five dollars per day ×

On motion the Resolution was adopted ×

S.B. 189. Senator Neill introduced a bill (S. B. No. 189) entitled "An act to incorporate Clarksville Institute"

Which was read a first and second time, and then on motion referred to the Committee on Corporations ×

And then, at 5 o'clock and 5 minutes p.m. the Senate, on motion, adjourned until Monday morning at 9 o'clock ×

Attest
Wm J. Kietzelman
Secy

W M Duffie
President of Senate

Senate Chamber
Monday. March 10. 1879 x

The hour of 9 o'clock a.m. having arrived, the President called the Senate to order x

Aur the roll being called it was found that the following named members were present and answered to their names, viz:

The President, Mr. Duffy and Senators Armistead, Boyd, Chism, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Heill, Jenkins, Kerr, Mitchel, Muckey, Pennington, Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, White, Whittington, Wilson and the President x

Absent, were Senators Carlton, Kemp, Watkins and Williams x

Prayer by the Chaplain x

Senator Crowley asked leave for the Penitentiary Committee to withdraw for the purpose of engaging in Committee duties x Request granted x

The Journal of yesterday was read and there being no objection thereto, it was approved and signed x

S.B. 147.

Senator Boyd moved that the vote by which Senate Bill 147, "an act authorizing the attorney General with the approval of the Auditor to compromise and settle any cause now in a court, enjoining and restraining the collection of taxes in any of the Counties of the State" was passed, be reconsidered x

The chair announced that the bill had been forwarded to the House,

Whereupon, Senator Boyd moved that the secretary be instructed to a request a return of the bill from the House x

Which was agreed to x

Senator Wilson submitted the following resolution; under a suspension of the Rules=

S.B. 119

Resolved that the House of Representatives be requested to return to the Senate, Senate Bill No. 119 x

The resolution, on motion, was adopted x

A message from the House was received by John G. Holland Esq. its Clerk, who being invited within the Bar of the Senate, read as follows=

Hall, House of Representatives
March 10. 1899 x

Mr President=

I am instructed by the House of Representatives to return to your honorable body, in compliance with your request therefor, Senate Bill 119 "An act to extend the time in which to present County warrants for release in certain cases" x

S.B. 119

also Senate Bill, 147, "An act authorizing the Attorney General with the approval of the Auditor, to compromise and settle any cases now pending, or which may hereafter be brought in any Court, enjoining or restraining the Collection of taxes due any of the Counties of the State" x

S.B. 147

John G. Holland,
Clerk x

Senator Gatewood submitted the following resolution, which was read:=

Resolved, That Rule 49, for the government of this body, be so amended, as to read as follows:=

"When the Senate adjourns it shall be to 8½ o'clock a.m. of the next succeeding day, unless another time be specifically named" x

The resolution was not agreed to x

Senator Watson, Chairman of the Committee on County Expenditures submitted a report on Senate Bill, No 93, and transmitted therewith a substitute,

S.B. 93.

with the recommendation that the substitute bill do pass × Report received, and

The substitute bill was read a first time, and, under a suspension of the rules a second time ×

It, (being Senate bill 190) was then on motion of Senator Watson made a special order for tomorrow at 9.30 a.m. ×

A message from the House, by John G. Holland Esq. its clerk, was received, and the messenger being invited within the bar of the Senate rose and informed =

Hall House of Representatives,
March 10. 1879 ×

Mr President =

I am instructed by the House of Representatives to inform your Honorable body of the passage by the House of S. B. 103, "an act to legalize and confirm the assessment levy and collection of the taxes of Logan county for the years 1877 and 1878," and herewith respectfully return the same ×

S. B. 103,

I am also instructed to inform you of the passage of H. B. No 11, a bill to be entitled "an act to repeal an act entitled an act to provide for the employment and hiring of County Convicts and prescribing the duties and fees of officers charged therewith," approved March 10. 1879 ×

H. B. 11

also H. B. No. 290 "an act to authorize the sale of swamp land in certain cases" and herewith respectfully transmit the same for your favorable consideration ×

H B 290.

John G. Holland, Clerk ×

A further message from the House was received and read as follows =

Hall. House of Representatives,
March 10. 1879 ×

Mr President =

I am instructed by the House of Representatives to inform your Honorable body of the passage by the House of H. B. 937, "an act

H. B. 937.

providing for the expenses of the Executive, Legislative and Judicial Departments of the state government x

H.B 56 — Also, H. B. 56 "an act to provide for the support and maintenance of the Arkansas Deaf Mute Institute" x

H.B 285 — Also, H. B. 285, "an act to provide for the support and maintenance of the Arkansas Institute for the Education of the Blind", and for other purposes",

and herewith respectfully transmit the same for your favorable consideration x

John G. Holland, Clerk x

Senate Pennington moved that the Senate proceed to the consideration of House Bills on their first reading x which was agreed to x

H.B. 290 — House bill No. 290 was taken up, read a first time, and, the rules being suspended, a second time x

It was then, on motion of Senator Mitchell made a special order for tomorrow at 3 o'clock p. m. x

H.B. 87 — On motion of Senator Armistead the Rules were suspended, and House Bill No 87 was ordered up and read a second time x

It was then, on motion, made a special order for 10 o'clock tomorrow morning x

H.B 26 — House Bill no. 26, "an act to give Justices of the Peace of this State exclusive jurisdiction in cases of misdemeanors" was taken up, read a first time, and, the rules being suspended, a second time x

Senator Kerr moved to amend the bill by adding as a further proviso, the following, to wit = "Provided that the Circuit Court shall have concurrent jurisdiction in all cases from gaming or violation of the law regulating the sale of ardent or vinous or malt liquors",

Amendment read a first time, and, the rules being suspended, a second time x

The bill and amendment were then, on motion of Senator Kerr, referred to the Judiciary committee ×

H.B. 56. House Bill No. 56, "an act to provide for the support and maintenance of the Arkansas Deaf Mute Institute" was taken up, read a first time, and, the Rules being suspended, a second time ×

H.B. 73 House Bill No. 73, "an act to regulate the mode of proposing and voting upon amendments to the Constitution of the State of Arkansas" was taken up, read a first time and the rules being suspended, a second time × & then, on motion of Senator Watson, made the special order for Wednesday the 12th inst at 7.30 o'clock p.m.

H.B. 319. House Bill No. 319, "an act to protect the Public Revenue from the fraudulent acts of County Officials and other persons," was taken up × read a first time ×

On motion of Senator Wilson, the rules were suspended and Senate

H.B. 119 Bill 119, taken up for further consideration ×

Senator Wilson ~~m~~ that the vote by which the bill had been placed on its final passage and passed, be reconsidered × Motion agreed to ×

Senator Wilson moved to strike out the word "two" in the proviso of the first section and insert in lieu thereof, the word "four" ×

Senator Kerr moved as a substitute for the amendment to add at the end of the proviso the following clause =

"except in cases where the Wards presented belonged to minors or the estates of deceased persons, at the time of making such order"

The substitute amendment was read a first and second time, and then, on motion adopted ×

Senator Kerr moved that the bill be ordered engrossed, and made a special order for 10 o'clock a.m. tomorrow x

Which was agreed to x

The hour of 11 o'clock a.m. having arrived, the special order for that hour, H.J.R. 1. House Joint Resolution No. 1. was ordered up for consideration x

Senator Kerr moved that the Sergeant-at-arms be instructed to notify the absent Committee on Penitentiary Investigation that their immediate presence was required in the Senate Chamber x Motion agreed to x

Pending the absence of the Sergeant-at-arms, the special order was, on motion, postponed for five minutes x

and then, on motion, House Bill No. H.B. 1111. 141, "An act to make it Larceny for an Executor, Administrator, or Guardian, to embezzle the effects of his Testator, Intestate or Ward", was ordered up read a third time and placed upon its final passage x

And the question being:
Shall the bill pass?
It was decided in the affirmative x

Ayes	17
Noes	6
Not Voting	8

Those who voted in the affirmative are: Senators Armistead, Boyd, Chiles, Ferguson, Gantt, Hampton, Hanna, Heil, Kerr, Mickey, Rutherford, Stanford, Terry, Thornton, Watson, Wilson and the President — 17 x

Voting in the negative were: Senators Duncan, Gatewood, Jenkins, Mitchell, Pennington, and Whittington — 6 x

Absent were Senators Carlton, Crosby, Reid, Tipton, Watkins and White — 6 x

And so the bill passed ×

The Sergeant-at-arms appeared within the bar of the Senate, and announced to the President that he had delivered to the Committee on Penitentiary Investigation, the message of the Senate, and directed by the Chairman to report back to the Senate, that the Joint Committee had been dissolved for the day; and refused to adjourn ×

Senator Pennington moved that the further consideration of the Joint Resolution be postponed until tomorrow morning at 10 o'clock × Motion lost ×

Senator Gatewood moved to postpone its consideration until 3.30 o'clock p.m. which was agreed to ×

Senator Gatewood then moved, that the Sergeant-at-arms be directed to notify the Committee on the Penitentiary of the action of the Senate and notify the committee that its members must be present at the hour above named ×

Senator Walton moved that the Sergeant-at-arms be directed to take charge of the Committee, and command their presence in the Senate Chamber at the hour of 3 o'clock and 30 minutes ×

Senator Kerr moved as a substitute for the motions before the Senate, that the Committee be immediately informed that the leave of absence granted by the Senate had been withdrawn × Which was agreed to ×

H. B. 146.

And then, House Bill No. 146, "An act for the relief of Purchasers of Internal Improvements Lands" was called up, read a third time and placed upon its final passage ×

And the question being =
Shall the bill pass ?
It was decided in the affirmative ×

Ayes — — — 15
Noes — — — 3
Not Voting — — 13

Those who voted in the affirmative are = Senators associated Boyd, Duncan, Ferguson, Gantt, Gatewood, Hampton, Heil, Mitchell, Mosley, Pennington, Stanford, Whittington, Wilson and the President — 15-

Voting in the negative were = Senators Chism, Jenkins and Watson — 3 x

absent and not voting were = Senators Carlin, Crowley, Hanna, Harris, Kerr, Reid, Rutherford, Terry, Thornton, Tipton, Walkins, White and Williams — 13 x

And so the bill passed x

X The Sergeant-at-arms again appeared before the President's desk, and announced that he had delivered to the Committee on Penitentiary the Message of the Senate x

S.B. 47. The special order being the consideration of the Governor's message returning Senate Bill No. 47 "an act to abolish the office of adjutant General" and embodying his objections thereto were taken up, for consideration x

X The members of the Committee on the Penitentiary entered and took their seats

Senator White moved that the Governor's consideration of the Message of the Governor be postponed x Motion lost x

And the question being =
Shall the bill pass,
Notwithstanding the veto of the same by the Governor?
It was decided in the affirmative

Ayes — — — 17
Noes — — — 9
Not Voting — — 3-

Those who voted in the affirmative were Senators Bays, Ferguson, Gantt, Gatewood, Hampton, Hill, Kurt, Mitchell, Pennington, Reid, Stauffer, Thornton, Tipton, Watson, Whittington, Wilson and the President — 14 x

Voting in the negative were = Senators Armistead, Christ, Crowley, Duncan, Harris, Jordan, Mackey, Terry and White — 9.

Absent and not voting were = Senators Carlton, Hanna, Rutherford, Watkins and Williams — 5 x

And so the bill passed notwithstanding the veto thereof by the Governor, a majority of all the Senators elect having voted in the affirmative x

HB 166.

House Bill No. 166 was taken up and the amendments thereto, offered by the Committee on Railroads read in connection with the context of the bill and adopted x

The amendment to the bill offered by Senator Terry was withdrawn by permission x

And then, on motion of Senator White the Amendments were ordered to be engrossed and the bill made a special order for tomorrow at 10.30 o'clock a.m.

HB 109.

House Bill No 109 "an act to amend an act to redistrict the State for Congressional purposes, approved November 16, 1875, and to take the Counties of Conway and Pope from the Fourth Congressional District and attach said counties to the third Congressional District; and take the Counties of Clark, Pike and Hot Spring from the Third ~~Congressional District~~, and attach them to the Second Congressional District" was taken up, read a third time and placed upon its final passage x

And the question being = Shall the bill pass? It was decided in the affirmative x

Ayes — — —
Noes — — —
Not Voting — —

Those who voted in the affirmative are = Senators Armistead Carter, Chism, Duncan, Ferguson, Gantt Gatewood, Hamm, Harris, Hill, Kerr, Mitchell, Mullay, Reid Rutherford, Tipton Watson, White, Wilson and the President — 20 x

Voting in the negative were = Senators Boyd, Crowley, Hampton, Jenkins, Pennington, Stanford, Terry, Thornton, — 8 x

Absent and not voting were = Senators Watkins Whittington and Williams — 3 x

And so the bill passed x

Senator Kerr moved to reconsider the vote by which the bill has been passed and then moved to lay said motion upon the table x

The motion to lay upon the table was not agreed to x

and then, on motion of Senator White, the further consideration of the bill was postponed until tomorrow at 11 o'clock a.m.

H.B. 13 10

House Bill No. 101, "an act to amend an act entitled an act to regulate proceedings in County Courts in cases of Bastardy" was taken up, read a third time and placed upon its final passage x

And the question being, shall the bill pass =

It was decided in the affirmative

Ayes — — — 18
Noes — — — 6
Not voting — 7

Those who voted in the affirmative are = Senators Armistead, Boyd, Crowley, Duncan, Ferguson, Hanna, Harris, Hill, Kerr, Mitchel, Purrington, Reid, Rutherford, Stanford, Terry, Tipton, Whittington and the President — 18 x

Voting in the negative were Senators Carlton, Chism, Gatewood, Jenkins, Thornton, Watson — 6 x

Absent and not voting were = Senators Gault, Hampton, Muckey, Watkins, White, Williams and Wilson — 7 x

And so the bill passed x

S. B. 151

Senate Bill No. 151, was taken up and read a second time x

On motion of Senator Kerr it was made a special order at 4 o'clock p.m.

And then, at 1 o'clock and 45 minutes, the Senate on motion of Senator Tipton, took a recess until 3 o'clock p.m. x

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After Recess x

The hour of 3 o'clock p.m. having arrived, the President called the Senate to order x

And the roll being called it was found that the following named members were present and answered to their names, viz =

The President, Mr. Duffie, and Senators Armistead, Boyd, Duncan, Ferguson, Gault, Gatewood, Hanna, Harris, Hill, Kerr, Mitchel, Muckey, Jenkins, Carlton, Purrington, Rutherford, Terry, Watson, White, Whittington x

The following named members were absent = Senators Chiles, Crowley, Hampton Reid Stanford Thornton Tipton Watkins Williams and Wilson ×

And a quorum announced ×
Under the Rule
Senator Watson Chairman of the Committee on Engrossed bills reported back Senate bill No. 93 as correctly engrossed × S. B. 93.

And the bill, entitled "an act to regulate the sale of lands belonging to the State, in certain cases, approved December 15. 1897, and to repeal Sections 2 and 3 of an act entitled an act fixing the price of State lands and for other purposes, approved March 15. 1895, and to repeal sections 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953 & 3954 of the Revised Statutes and to regulate the sale of Real Estate Bank Lands", was taken up, read a third time and placed upon its final passage ×

And the question being =
Shall the bill pass ?=
It was decided in the negative

Ayes — — —	6
Noes — — —	15
Not Voting — —	10

Those who voted in the affirmative are = Senators Armistead Gatewood, Neill, Kerr, Pennington and Watson — 6 ×

Voting in the negative were Senators Boyd Chism, Ferguson, Gantt, Hanna, Jiddkins, Mitchell, Mosby, Reid Rutherford, Terry, Thornton, White Whittington and the President — 15

Absent and not voting were = Senators Carlton, Crowley, Duncan, Hampton, Harris Stanford Tipton, Watkins, Williams and Wilson — 10 ×

And so the bill failed to pass ×

A message from the Governor was received, by Joblin Esq. his Private Secretary, who, being invited within the bar of the Senate read as follows =

State of Arkansas,
Executive office
Little Rock, March 10. 1879 ×

To the President of the Senate =
Sir President =

I have approved and signed S. B. 99. an act to provide for the improvement of the streets, alleys, sidewalks, and Public grounds of Municipal Corporations ×

S B 99.

W. R. Miller
Governor ×

The time to which House Joint Resolution No. 1. has been postponed having arrived, the same was again postponed on motion of Senator Garrett, and House bill No. 133, "An act for the relief of the purchasers of the Arkansas Institute for the Blind situated in the City of Philadelphia, Pulaski County ×

H J R 1.

H. B. 133.

On motion the bill was read a third time and placed upon its final passage ×

And the question being =
Shall the bill pass ?=
It was decided in the affirmative ×

Ayes — — —	15
Noes — — —	3
Not Voting — —	13

Those who voted in the affirmative are = Senators Boyd Chism, Ferguson, Garrett, Hanna Hill Jodkins Kerr, Mitchell, Mosely, Pennington, Perry, Thornton Whittington and the President ×

Voting in the negative were =
Senators Gatewood, Ruthinford and Watson — 3

Absent and not voting were = Senators Armistead Carlton, Crowley Hampton, Harris Reid, Stanford, Tipton, Watkins, White Williams and Wilson — 13 x

Senators Reid Carlton and Crowley appeared in their seats and answered to their names x

The hour of 4 o'clock having arrived the Special order for that hour House Joint Resolution No. 1. was taken up x

H.J.R. 1.

Senator Galloway moved that its further consideration be postponed until tomorrow morning at 10 o'clock

S. B. 101.

Senate Bill No. 151 "An act to Reduce County Expenses" was taken up for consideration x

Senator White moved that the report of the Judiciary Committee recommending the rejection of the bill be adopted x

and the motion was agreed to, and the bill declared rejected x

S.B. 114.

Senator Crowley from the Committee on State Lands. reported back Senate Bill No 114, and without any recommendation x

Senator Crowley moved that the rules be suspended and the bill taken up for consideration x Motion lost x

H.B. 82.

House Bill No 82 was taken up and read a first time x

Senator Terry called to the Chair x

H.B. 32.

House Bill No. 32, was ordered up and read a first time x

Senator Kerr moved that the Rules be suspended and the appropriation bills received from the House be taken up for consideration Agreed to

H.B. 337.

House Bill No 337, "An act providing for the expenses of the Executive, Legislative and Judicial Departments of the State Government" was then taken up, read a first time and the rules being suspended a second time ×

Senator White moved to amend the bill by adding a subdivision to the 1st section thereof as follows =

"The sum of two hundred and fifty dollars, to pay traveling expenses of the Chancellor in holding the Courts in Jefferson, Chicot and Phillips counties"

Amendment read twice, and then, on motion rejected

Senate Committee offered an amendment that the sum of $1.000 be appropriated to pay the rent of the Governor's mansion × Read a first and second time ×

Senator White moved to amend by striking out that part of the bill which provides for the appropriation of $20,000 for the payment of Militia × Read a first and second time ×

Senator Boyd moved that the bill and amendments be referred to the Finance Committee × agreed to ×

H.B 285.

House bill no. 285, "An act to provide for the support and maintenance of the Arkansas Institute for the Education of the Blind" was next taken up and read a first, and, under a suspension of the rules a second time ×

Senator Carlton moved to strike out the first section of the bill, but afterwards withdrew the same ×

Senator Mitchell offered an amendment which reads as follows =

"For current expenses per pupil, per annum, $200, instead of $150. Grant $5.000 per annum in the limitation of current expenses for the Institute × For Salaries and Contingent expenses $5.000 instead of $4000 × In limitation for clothing $1.000 per annum instead of $500 ×

Amendment read a first time and the rules being suspended a second time ×

The bill and amendment were then, on motion of Senator White, referred to the Committee on Finance ×

H.B. 11. House Bill No. 11 was taken up and read a first time ×

H.B. 319. House Bill No 319, was taken up, read a first time, and, under a Suspension of the Rules, a second time ×

And then, at 5 o'clock and 5 minutes p.m. the Senate, on motion of Senator White took a recess until 7 o'clock and 30 minutes p.m. ×

Night Session

The hour of 7 o'clock and 30 minutes having arrived, the President called the Senate to order ×

And the roll being called it was found that the following named members were present and answered to their names=

The President, Mr. Duffie, and Senators Armistead Boyd Carlton Chism Crowley, Duncan Ferguson Gantt, Gatewood Hanna, Harris Hill Jenkins Kerr, Mitchel Mosley, Ommington Reid, Rutherford Terry, Thornton Tipton, Watson, White, Whittington ×

The following named members were absent, viz:= Senators Hampton, Stanford Watkins Williams and Wilson ×

The President announced the question before the Senate to be the consideration of the reports of the Select Committee on the location of an Insane Asylum for the Substitute the majority report recommending that said Institution be located at Hardanelle Springs, in Yell County, and the minority report at Hot Springs in Garland County ×

Senator Reid moved the adoption of the minority report

Senator White moved as a substitute for both reports that Little Rock be selected as the site for the Asylum

Senator Hanna called to the Chair ×

Senator Terry moved that the roll be called, and that each Senator as his name is called nominate a place for the location of the Asylum ×

Which was adopted ×

Senator Mitchell moved to reconsider the vote just had × which was agreed to ×

By consent,
Senator Reid withdrew his motion to adopt the minority report × and

Senator White withdrew his motion substituting Little Rock for Hardanelle Springs, and Hot Springs ×

Senator Reid again renewed his motion to adopt the minority report ×

And the Question being =
Shall the minority report be adopted?
It was decided in the negative ××

Ayes — — —	7
Noes — — —	16
Not Voting — —	8

Those who voted in the affirmative are = Senators Gantt Gatewood, Hill, Mitchell, Pennington Reid Whittington — 7 x

Voting in the negative were = Senators Armistead, Byrd, Carlton, Chisholm Crowley, Hanna Harris Judkins Kerr, Mackey Rutherford, Terry Tipton, Watson White and the President — 16

Absent and not voting were Senators Duncan Ferguson, Hampton, Stanford Thornton, Watkins Williams and Wilson — 8 x and so the minority report was rejected

The question then recurred on the motion to adopt the majority report

and the question being = Shall the majority report be adopted ?

It was decided in the negative x

Ayes — — —	11
Noes — — —	12
Not Voting —	8

Those who voted in the affirmative are = Senators armistead, Chism, Gatewood Hill, Kerr, Mitchell, Mackey, Reid, Tipton, Watson, Whittington — 11

Voting in the negative were: Senators Byrd Carlton, Crowley Gantt, Hanna Harris, Judkins, Pennington, Rutherford, Terry, White and the President — 12

Absent and not voting were = Senators Duncan, Ferguson, Hampton, Stanford Thornton Williams and Wilson — 8

and so the majority report was rejected x

And then at 10 o'clock & 45 minutes the Senate adjourned

M M Duffie

President of the Senate x

Attest

Lou T. Kotchman

Secy

Senate Chamber,
Tuesday. 11th March 11th. 1879 ×

The hour to which the Senate had adjourned — 9 o'clock A. M. — having arrived, the President called the Senate to order ×

And the roll being called it was found that the following named members were present and answered to their names = viz =

The President, Mr. Duffie, and Senators Armistead, Boyd, Carlton, Chism, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Hill, Jackson, Kerr, Mitchell, Remington, Reid, Rutherford, Stanford, Tipton, Watson, White, Whittington, Williams and Wilson ×

Absent our Senators - Hampton, Mullen, Terry, Thurston, and Watkins ×

And a quorum announced ×

Prayer by the Chaplain ×

The Journal of yesterday was read, and after a correction was approved ×

In reference to the action taken by the Senate on the Penitentiary committee, Senator desired to make the following statement ×

Mr President —

I desire to say that the Committee on Penitentiary is composed of 8 Members of the Senate, and 9 from the House, and under a Concurrent resolution, the Committees were required to Consolidate for the transaction of the business of the Joint Committee, and that the Senate Committee appointed a Sub-Committee of three to complete the taking of the testimony in the matter the charges of Dr Scott against Col Bob Ward, and that I as Chairman of the Senate Committee and acting as Chairman of Joint Committee to gether for the purpose of making the evidence taken, and for that purpose only had asked leave on Saturday to withdraw the Senate Com - but was refused such leave, and that I am yesterday morn asked and obtained leave to withdraw such Committee for the purposes aforesaid - and that while we were engaged in the discharge of our duties, Senator Tipton received a note from Senator Watson requesting him to come to the Senate Chamber, and Senator Tipton moved an adjournment - to which motion objection was made, and the motion having been put was voted down, then Senator Watson sent the same note to me with Senator Tipton's response requesting me to bring my Com - to the Chamber of the Senate, but I paid no attention to it as I knew he was not the forum to order a Com. and on motion of Senator Harris the Committee rose and reported that the evidence could be sooner completed which would have brought us into the Senate by 11 o'clock — Now Sir our leave of absence was withdrawn while never giving us any notice and was therefore premature as we were calculated to be misled by the action heretofore had by the Senate - I further state that every obstacle has been thrown in the way of this Com - to retard their progress

Senator Hall chairman of the Committee on Enrolled Bills reported back as correctly enrolled Senate Bill No 103+

S.B 103.

Sen Watson, Chairman of the Committee on Engrossed bills reported back, as correctly engrossed, the amendments to House Bill No. 166+

H.B 166.

Senator Hannis from the Committee on Engrossed bills returned Senate bill no 119 and reported the same correctly engrossed+

S.B 119

Senator Pennington, Chairman of the Committee on County and County Lines, reported back, with the recommendation that it do pass, Senate bill "No. 160, "an act to change the boundary lines between the counties of Lincoln, Jefferson, and Lesha"+

S.B 160.

Senator Pennington moved that the Rules be suspended, and that said Senate Bill, No. 160 be taken up and made a special order for the hour of 3. P. M."+

" "

Motion agreed to, + the bill made a special order+

Senator Judkins of the Finance Committee, submitted a report which was read as follows=

Mr President=

The committee on Finance to whom was referred House Bill No. 337, "An act to be entitled an act providing for the expenses of the Executive, Legislative and Judicial Departments" ask leave to report that they have had the same under consideration, and would recommend that the same do pass with the amendments herewith submitted=

H.B 337.

In Fifth Subdivision, Section 1, strike out "$3.500" and insert $3.750+

In Subdivision 8, Section 1, strike out "six" and insert "nine"+

In subdivision 12. Strike "six" and insert "ten"+

In subdivision 14, strike out "six" and insert "twelve"

To sub-division 16, add: "and for Clerk hire, one thousand two hundred dollars" x

In subdivision 18 insert "for Clerk hire for Governor's office Eighteen hundred dollars"

In subdivision 23, strike out "five hundred", and insert, "one thousand"

To sub-division 29, add, after the word "defraying" the words "and distributing" x

In subdivision 28, insert "List lands"

Strike out, subdivision 56 x

Strike out subdivision 58 x

Add as subdivision 59: "For rent of Governors Mansion, one thousand two hundred dollars x

Add as subdivision 60 - "To pay W. W. Wilshire, attorney's fee, in arkansas political troubles as per certified account from Gov. Barton five hundred dollars" x

Add as subdivision sixty-one (61) "For clerks' hire and contingent expenses of the office of attorney General, fifteen hundred dollars"

Add as subdivision 62 - "To pay traveling expenses of Judge of the Pulaski Chancery Court, two hundred and fifty dollars"

Add as sub-division sixty-three - "To pay special circuit and supreme judges, five thousand dollars"

Strike out section two x

The committee would report that they have given the bill careful consideration, and believe that the changes recommended will be actually necessary to further the successful administration of the state government x

All of which is respectfully submitted x

Amendments read a first time, and, the rules being suspended, a second time x

Senator Galloway moved to strike out of subdivision ten, Section 1, the words "two hundred" and insert the words "eight hundred" Read a first time, and the rules being suspended a second time x So same then, on motion, adopted x

Senator Wilson moved to amend subdivision 8 of section 1. striking out "$9.000" and inserting in lieu thereof "$10.000" for clerk hire for auditors office x Read a first and second time x

On motion of Senator Judkins the Special order for the hour of 11 o'clock a.m. was postponed until after consideration of House Bill No 337 x

H.B. 337.

Senator Judkins then moved that the Senate go into committee of the whole on consideration of the bill, & amendments thereto x agreed to x

Senator Tipton in the chair x

Senators Thornton and Hampton appeared in their seats and answered to their names x

After some time spent therein the committee rose and through its Chairman reported to the Senate that they had had House Bill No. 337 under consideration, and with the following amendments recommended its passage to-wit =

H.B.337.

all the amendments of the Committee on Finance, except as to the following sub-divisions of Section 1. of the bill =

In subdivision 8 strike out "six" and insert the word "ten" x

In subdivision 10, strike out "two" and insert "eight"

In subdivision 14 strike out "six" and insert "ten"

Sub-division 16. And the Superintendent of Public Instruction shall be entitled to one clerk, who shall receive for his salary $100 per month, and to pay such clerk's salary the sum of $1200 is hereby appropriated x

Subdivision 18. The Governor, in addition to his Private secretary shall be entitled to one clerk who shall receive, for his salary, seventy-five dollars per month; and the sum of one thousand eight hundred dollars is hereby appropriated to pay such salary of said clerk x

The Committee also recommended the rejection of Subdivision 62 as proposed by the Finance Committee x

Senator Watson moved that the consideration of the report of the Committee be postponed for 15 minutes, and that the Senate take up House Joint Resolution to submit to a vote of the people an amendment to the Constitution forever prohibiting the levying of any tax for the payment of the principal or interest of any of the Bonds known as the "Hosford Bonds", "Railroad Aid Bonds" and "Levee Bonds"

H.J.R. 1

Upon the question being agreed to, Joint Resolution was ordered up, read a third time & placed upon its final passage x

Upon the question being=
Shall the bill pass?=
It was decided in the affirmative x

Ayes — — —	19
Noes — — —	9
Not Voting — —	3

Those who voted in the affirmative are= Senators Armistead, Boyd, Duncan Ferguson, Grant, Gatewood, Hampton, Hanna, Heidt, Kerr, Mitchel, Pennington, Rutherford, Stanford, Tipton, Watson, Williams, Wilson and the President — 19

Voting in the negative were Senators Chrisman, Crowley, Harris, Judkins, Mackey, Rice, Terry, Thornton, and Whittington — 9

Absent and not voting were=Senators Carlton, Mattins and White — 3x

and so the Joint Resolution was adopted a Constitutional majority of the Senate having voted therefor x

Senator Crowley, when his name was called, sent to the Secretary's desk the following, as an explanation of his vote, and asked

that the same be entered upon the Journal =

Mr President =

The Resolution now for consideration before the Senate is one, in my judgment, of very great and grave importance to the whole people of the state, and one that demands a cool, calm and cautious consideration, at our hands, and one that we may regret in after life, and one that our children may live to regret for me × as for me, and my part, I am opposed to the Resolution × The President I for one am opposed to repudiation in any shape, form or fashion, and will never do anything either by word, act, or deed, that will in any manner resemble or taste of repudiation, in any form or in any manner, or under any circumstances whatever × Repudiation is a term obnoxious to the American People, and especially to the people of the lovely State of Arkansas × It is a term that should be a stench in the nostrils of every true lover of liberty in this broad land of ours × Now, Sir, it is an odium that will follow us for all time to come, and will cast a stigma upon the reputation of this state that will not live to be removed ×

Now, Sir, I for the State owe one dollar of legal and just indebtedness, I for one am in favor of paying it to the utmost farthing, and I know of no place under the broad canopy of Heaven, where we can apply with any greater degree of certainty, in getting justice than the Courts of the Country, × and as to the Courts allow me to say that the Judiciary of Arkansas will not compare favorably with any State in the Union, and we may rest assured that their decisions will be strictly in accordance with the law without favor or affection, or the hope thereof, and there is no form so well calculated to get at the true state of the case, as the Courts because they, and they alone can take the evidence applicable to the strict principles of the law, and render their judgments thereupon ×

Now, Sir, as to the Railroad aid bonds, it is useless to mention them, as they are dead, and never more can be resurrected by

any person; and as they have been left out in the discussion, by the friends of the measure I will refrain from saying anything more of them +

Next we come to the Levee bonds + It is conceded by all parties that they are in a like condition; and they, too, with the Railroad aid Bonds have been settled by the Courts, and with the Courts they must abide + Now, Sir, as to the Holford Bonds which are the only Bonds worth notice +

Mr. President, in 1874 I made a canvass, as a delegate to the State convention, and repudiation was an issue made in that canvass, and I fought it then as I do now + I told the people then that they would never have to pay any part or portion of the Railroad Aid Bonds, the Levee Bonds, and a large portion of the Holford Bonds +

Sir in my own judgment the Holford Bonds have nearly or quite all been paid; and if so, why need we bother any more about them? The Courts can and will settle the whole matter, and that, too, creditably to the state and her people +

Mr President, I am not one that believes that all the talent and wisdom of the state is embodied in this Legislature I think that the welfare of the State will be just as safe in the hands of future Legislatures as in this, and I am not afraid of any Legislature ever coming to this capitol, under the present State Government, who will use appropriate one single cent to the payment of any of these bonds + And, Sir, to meet the arguments presented by the friends of the Resolution, in which they apprehend a time when the present party now in power, in this state, may lose control of the government of the state, I will say that I have no such apprehensions + But admit for argument sake, that such will be the case; can they not as well change, and will they not have to change this organic law of the State?

Sir, it is impossible under the present regime of things to ever foist this debt upon the people × Sir, if we justly owe Mr. Holford anything, let us pay it or try to pay it; but in the name of him who rules all things, let us not bankrupt to get out × Sir, I care not by what name you call it; it is bankruptcy and nothing else ×

Now Sir, let me say that I am a native of this state, and I love the very name Arkansas × And I do not ever want to see her bright escutcheon stained in any manner with the odium of Repudiation, or anything that looks in that direction × For, she is a lovely state and the time is not far distant when she will take a front rank in the sisterhood of the States, and will be one of the brightest lights of this nation ×

P. H. Crowley
Greene County

H.B. 337.

The report of the Committee of the Committee of the whole on H. B. No 337 was again taken up for consideration and the amendments recommended read a first and second time under a suspension of the rules ×

Senator Boyd moved that the amendment of the Committee to strike out to strike out subdivision 8 of the bill be rejected, and on the motion called for the ayes and nays × Call sustained ×

And the question being =
Shall the amendment be rejected ?=
It was decided in the negative ×

Ayes	6
Noes	20
Not Voting	5

Those who voted in the affirmative are = Senators Boyd, Chism, Duncan, Stanford Terry and the President — 6 ×

Voting in the negative were = Senators Armistead Bowden, Bregman, Gault, Gatewood Hampton Hanna, Harris Hill Jenkins Kem Mitchell, Reid, Rutherford, Thornton Tipton, Watson White Williams Wilson — 20 ×

Absent and not voting were = Senators Carlton, Mulkey, Pennington Watkins and Whittington — 5 -

And so the motion was lost ×

A message from the House was received by John G. Holland Esq. who, being invited within the bar of the Senate, read as follows =

Hall House of Representatives,
March 11. 1879 ×

Mr President =

I am instructed by the House of Representatives to inform your honorable body of the passage by the House
S. B. 33. of S. B. 33 "an act for the preservation of fish in the rivers and other waters within this state"
S B 90. also, S.B. 90, entitled "an act to give county courts the authority to hold special terms of county courts in their respective counties" ×

Also, that the House has reconsid-
S. B. 47. ered and passed S. B. no 47, "an act to abolish the office of Adjutant General and for other purposes" notwithstanding the veto of the Governor. a majority of all the members elected to the House of Representatives agreeing thereto ×

S. B. 158. Also. S. B. No. 158, an act to authorize the Commissioner of State lands to settle by compromise the conflicts of title the State and Railroad Companies to selected and unapproved swamp and overflowed lands", and herewith respectfully return the same ×

I am also instructed to inform
H B 302. you of the passage of H. B. No 302, a bill to be entitled an act making appropriations for the benefit of the Arkansas Industrial University" and herewith respectfully transmit

transmit the same for your favorable consideration ×

John G. Holland, Clerk ×

Senator Judkins moved to amend Subdivision 5-8 by striking out $1,900.67 and inserting in lieu thereof $182.32 × Read a first and second time, and rejected ×

The several amendments were then acted upon separately and adopted ×

Senator Watson moved to amend the twenty-fifth subdivision of Section 1. by adding thereto the following = "There is hereby appropriated six thousand dollars to pay for printing the Journals of the Senate and House of Representatives of the Twenty-second General Assembly of the State of Arkansas" ×

On the motion to adopt the above Sen. Watson called for the ayes and nays thereon, which call was sustained ×

And the question being = Shall the amendment be adopted? It was decided in the negative ×

Ayes	9
Noes	16
Not Voting	6

Those who voted in the affirmative are = Senators Chism, Ferguson, Gantt, Harris, Kerr, Tipton, Watson, Williams and the President-9

Voting in the negative were = Senators Armistead, Carlton, Crowley, Duncan, Gatewood Hampton, Hamer, Hill, Judkins, Mitchel, Reid Rutherford Thurston, White, Whittington and Wilson — 16 ×

Absent and not voting were Senators Boyd, Buckley, Pennington, Stanford, Terry, and Watkins — 6 ×

And so the amendment was rejected ×

Senator Gatewood moved to strike out Sub-division 47. Not agreed to x

Sen Judkins moved that the Amendments be engrossed, and the bill be made the special order for tomorrow at 11 o'clock a.m. agreed to x

And then at 12 o'clock and 45 minutes p.m. the Senate, on motion took a recess until 3 o'clock p.m. x

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After Recess x

The Senate met at 3 o'clock p.m. and was called to order by the President x

And the roll being called, it was found that the following members were present and answered to their names, viz:

The President Mr Duffil, and Senators Armistead Boyd, Carlton, Crowley, Duncan Ferguson, Gantt Gatewood, Hanna Harris Hill Judkins Kerr, Critchel, Pennington, Reid Rutherford Terry Thornton, Tipton, Watson, White Whittington, Williams, Wilson x

Absent were Senators Chisum, Hampton, Mackey, Stanford, Watkins

And a quorum announced x

Senator Judkins introduced a Resolution, which was read as follows:

Resolved that the present term of the General Assembly be extended until 12. M. of the 22nd day of March, 1879, for the purpose of finishing the business now before it; Provided that no new bill shall be introduced after the 13th day of March 1879. Except it be upon the proposition to build an Asylum for the insane Resolution read a first time, and the rules being suspended a second time x

Senator Hill, Chairman of the Committee on Enrolled bills submitted a report which was read as follows=

Mr. President=

Your Committee on Enrolled Bills beg leave to present the following report= That, in accordance with law, Senate Bill No. 49 being "An act to abolish the office of Adjutant General" and for other purposes", having been certified to by the Speaker of the House and President of the Senate, as having passed over the veto of the Governor, by Constitutional vote, has this day been delivered to the Governor according to law x

S.B. 49.

Senator Kerr, Chairman of the Committee on Finance reported back from said Committee House Bill No 285, an Arkansas Institute for the support of the Arkansas Institute for the Education of the Blind and for other purposes", and recommended the passage of the same after being amended as follows=

H.B. 285.

1st. Amend Section 2, by striking out the words and figures "Eight thousand (8.000)" in the 1st subdivision, in line 12 on second page, and inserting in lieu thereof the words and figures "ten thousand 10.000" x

2 nd. Amend section 2, by striking out the words "five hundred" in second subdivision in line 32, on second page, and inserting the words "one thousand" in lieu thereof x

Amendments read a first time, and the rules being suspended, a second time

Senator Mitchel moved to amend by adding after the words "ten thousand" the words "per annum" x Read 1st and 2 nd. time x

On motion the amendment was rejected

Senator Terry submitted an amendment, which was read as follows=

Mr. President = I move to strike out "four thousand" and insert "five thousand" for salaries and contingent expenses x

Amendment read a first and second time, and then, on motion, rejected ×

The amendments offered by the Finance Committee were then adopted ×

A message from the House, by John G. Holland, its Clerk, was received, and the Messenger being invited within the bar of the Senate, read as follows =

Hall, House of Representatives
March. 11. 1879,

Mr President =

I am instructed by the House of Representatives to inform your Honorable body of the passage by the House of

H.B. 334. H. B. 334 entitled "an act to amend an act entitled an act to regulate the letting of public contracts, approved November 28. 1874, and herewith respectfully transmit the same for your favorable consideration ×

S.B. 42. I am also instructed to inform you of the passage of S. B. No 42 "an act to repeal certain sections of an act fixing regular terms of holding county Courts, and the Salaries of County judges, and per diem pay of Associate justices, &c", with the following amendment, in which your concurrence is respectfully asked = "Strike out Sections 16 and 21"

And respectfully return the same ×
John G. Holland, Clerk ×

H.B 285 The consideration of House bill, No. 285 being resumed Senator Kerr moved that the amendments thereto be ordered engrossed × which was agreed to ×

And then, on motion of Senator Kerr, the bill was made the special order for tomorrow, immediately after the reading of the Journal ×

H.B. 302 The rules, on motion, being suspended, House Bill No. 302, was taken up & read a first time, and, the rules being suspended, a second time ×

Senator Wilson moved to refer the bill to the Finance Committee × agreed to ×

S. B. 42

Senator Judkins moved that the rules be suspended and Senate Bill No. 42 taken up for consideration

And the bill being before the Senate, Senator Judkins moved to concur in the House amendments thereto × which was agreed to ×

And the Question being = Shall the Senate concur in the House amendments ?

It was decided in the affirmative ×

Ayes ———	24
Noes ———	1
Not Voting —	6

Those who voted in the affirmative are Senators Armistead, Boyd, Carlton, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna Harris Hill, Judkins Kerr, Mitchel, Pennington, Reid, Rutherford, Terry Thornton, Watson White White-tington, Wilson and the President — 24 ×

Senator Williams voted in the negative × — 1 ×

Absent and not voting were = Senators Chiles, Hampton, Mackey, Stanford and Watkins.

And so the Amendments were Concurred in ×

On motion of Senator Mitchel the courtesies of the floor were extended to Thomas H. Innis Esq. of Hampstead County ×

By Consent, Senator Hunter, offered the following resolution =

Mr × President =

I move to amend Rule 49, so that it shall read as follows = "When the Senate adjourns it shall be to 8 a.m. of next succeeding day, unless another day and hour be specifically named ×

The Resolution, on motion was rejected ×

Senator Kerr asked leave to withdraw his motion to reconsider House bill 109 × Leave granted ×

H. B. 109

H.B. 280.

House bill No. 280, a special order was taken up, read a third time and placed upon its final passage x

And the question being=
Shall the bill pass?
It was decided in the affirmative

Ayes	23
Noes	0
Not Voting	8

Those who voted in the affirmative are = Senators Boyd, Carlton, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Hill, Judkins, Mitchel, Pennington, Reid, Rutherford, Terry, Thurston, Walton, White, Whittington, Williams, Wilson and the President=

Voting in the negative were none x

Absent and not voting were = Senators Armistead, Chisin, Hampton, Kerr, Merrick, Stanford, Tipton and Watkins — 8 x

And so the bill passed x

A message from the House was received by John G. Holland Esq. its Clerk, who, being invited within the bar of the Senate, read as follows=

Hall House of Representatives,
March 11. 1879 x

Mr President=

I am instructed by the House of Representatives, to inform your Honorable body of the passage by the House of H.B. No. 936, "an act to repeal an act approved March 9, 1877, entitled an act to amend section seventy of an act entitled an act fixing the regular terms for holding the County Courts of the State and fixing the salaries of the County judges in the several Counties in this state and to amend Sections twenty (20) and twenty-five (25) and to re-enact, amend and revise section (70) seventy, of an act entitled an act fixing the regular

H.B. 936.

terms of holding the County courts of the State, and for fixing the salary of the County Judges and for dividing pay of associate justices in the several counties in this state"×

H.B. 68. Also, House Bill No. 68, a bill to be entitled "an act of incorporation and organization of a Hospital for the ~~Insane~~"×

H.J.R. 21. or H.J.R. 1? Also H. J. R. No. 21, "a Joint Resolution proposing an amendment to the Constitution of the ~~State~~;"

and Senate respectfully return the same for your favorable consideration×

John G. Holland, Clerk×

A message from the Governor was received by (W-J-Joblin Esq. his Private Secretary, who being invited within the bar of the Senate read as follows=

State of Arkansas,
Executive office.
Little Rock March 11. 1879×

To the President of the Senate.

Sir President=

S.B. 103. I have approved and signed S. B. 103., an act to legalize and confirm the assessment, levy and Collection of the taxes of Logan County for the years 1877-8

W. R. Miller
Governor×

H.B. 87. The next special order, House Bill No. 87, "an act for building and repairing the Public Levees of this ~~state~~" was ordered to be read a third time and placed upon its final passage×

Senator Harris moved that the vote by which the bill was ordered to a third reading be reconsidered × Not agreed to

And the Question being=
Shall the bill pass?=
It was decided in the affirmative×

Ayes — — — 20
Noes — — — 5
Not Voting — — — 3

Those who voted in the affirmative: Senators Armistead, Boyd, Chism, Crowley, Duncan, Ferguson, Gantt, Hanna, Hill, Jenkins, Kerr, Mitchell, Mulkey, Pennington, Reid, Rutherford, Sears, Thornton, Tipton, White, Whittington, Wilson and Mr President 20 —

Voting in the negative — Senators Carlton, Gatewood, Harris, Stanford and Watson 5 —

Absent and not voting Senators Hampton, Watkins and Williams — 3

S.B. 119. Senate Bill 119, "an act to extend the time in which to present county warrants for reissue in certain cases", was taken up, as the next special order, read a third time and placed upon its final passage.

And the question being:
Shall the bill pass?
It was decided in the affirmative.

Ayes - 20
Noes - 4
Not Voting - 7

Those who voted in the affirmative are: Senators Boyd, Carlton, Duncan, Gatewood, Hampton, Hanna, Harris, Hill, Jenkins, Kerr, Mitchell, Mulkey, Reid, Rutherford, Sears, White, Whittington, Williams, Wilson and the President - 20

Voting in the negative were: Senators Chism, Ferguson, Pennington, and Tipton - 4

Absent and not voting were: Senators Armistead, Crowley, Gantt, Stanford, Thornton, Watkins, Watson - 7

And so the bill passed.

Under the Rule,
Senator Boyd from the Committee on Engrossed bills reported the Amendments to House Bill No. 337 as correctly engrossed x

H.B. 337.

S.B. 190.

Senate Bill No. 190 "an act to authorize the auditor of State to furnish the County Assessors books to assess the real and personal property on, and to fix the fees of Collectors and Assessors and Clerks in collecting the revenue", was ordered up as the special order and read a third time and placed upon its final passage x

And the Question being =
Shall the bill pass ?=
It was decided in the affirmative x

Ayes — — —	24
Noes — — —	3
Not Voting — —	4

Those who voted in the affirmative are = Senators Armistead, Boyd, Chism Crowley, Duncan Ferguson, Gantt Gatewood Hampton, Hanna, Harris Hill, Kerr, Mitchel, Mulkey, Reid Rutherford, Terry, Tipton, Watson, White, Whittington Williams and the President — 24

Voting in the negative were Senators Carlton, Pennington and Thornton — 3 x

Absent and not voting were = Senators Judkins, Stanford, Watkins and Wilson — 4

And so the bill passed x

H.B. 166.

House Bill No. 166, "an act to prevent unjust discrimination in the rates charged for the transportation of passengers and freights on the Railroads of this State, and to punish the same" was ordered up for a third reading and placed upon its final passage x

And the question being =
Shall the bill pass ?
It was decided in the affirmative x

Ayes — — — 21
Noes — — — 8
Not Voting — — 2

Those who voted in the affirmative are= Senators Armistead, Boyd, Chism, Crowley Duncan, Hanna, Harris, Judkins, Kerr Mitchel, Mulky, Pennington Reid Rutherford, Tom Tipton, Watson, White Whittington, Williams, and the President - 21×

Voting in the negative were = Senators Carlton, Ferguson, Gantt, Gatewood, Hampton, Hill, Thornton and Wilson — 8

Absent and not voting were = Senators Stanford and Watkins — 2×

And so the bill passed ×

H.B. 254

House Bill No 254, entitled "An act to Restore docket Entries and Papers of Justices of the Peace when Lost or destroyed" was taken up, read a third time and placed upon its final passage×

And the question being=
Shall the bill pass?
It was decided in the affirmative ×

Ayes — — — 26
Noes — — — 1
Not Voting — — 4

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Chism, Duncan, Ferguson, Gantt Gatewood, Hampton, Hanna, Harris, Hill, Judkins, Kerr Mitchel, Mulky, Pennington, Reid Rutherford, Tom, Thornton, Tipton, Watson, White, Whittington, and the President — 26×

Senator Williams voted in the negative.

Absent and not voting were = Senators Crowley, Stanford, Watkins and Wilson — 4×

And so the bill passed ×

And then, at 5 oclock and 15 minutes, the Senate, on motion took a recess until 7 oclock and 30 minutes P. M. x

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After Recess x

The hour of seven oclock and thirty minutes having arrived, the President called the Senate to order x

And the roll being called, it was found that the following named members were present and answered to their names, viz:-

The President, Mr. Duffie, and Senators Armistead, Boyd, Carlton, Chism, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Heile, Judkins, Kerr, Mitchel, Mulkey, Pennington, Reid, Rutherford, Stanford, Tipton, Terry, Thurston, Watson, White, Whittington, Williams and the President x

Absent and Senators Hampton and Watkins +

Senator Pennington moved that the rules be suspended and House Bill No. 68 called up for consideration x Motion lost x

H.B. 212

House bill No. 212, "An act to amend the laws of this state concerning Railroads and railroad Companies or Corporations", was taken up, read a third time and placed upon its final passage x

And the question being = Shall the bill pass? = It was decided in the affirmative x

Ayes — — — 18
Noes — — — 4
Not Voting — — 9.

Those members who voted in the affirmative are = Senators Boyd, Crowley Duncan Ferguson, Gatewood, Hill, Judkins, Mitchel Penmuglin, Reid, Rutherford, Stanford, Tipton Watson, Whittington Williams, Wilson and the President —

Voting in the negative were = Senators Armistead Chism Hanna and Wheeley — 4

Absent and not voting were = Senators Carlton, Gantt, Harris Kerr, Terry, Thornton, Watkins White and Hampton — 9 x

And so the bill passed x

HB85, House Bill no. 85, entitled "An act to repeal section 75 of an act entitled an act fixing the regular terms for holding the county courts of the state and for fixing the salary of the County Judges and the per diem pay of associate justices in the several Counties of this state, approved February 5th. 1895, and to repeal section 24 of an act entitled an act to amend the revenue law of the State, approved March 5. 1895, and to repeal an act entitled an act to amend section 75 of an act fixing the regular terms for holding the County Courts of the state and for fixing the Salaries of the County and Probate Judges and the per diem pay of Associate Justices in the several Counties in this state passed at the present session of the General assembly, approved March 8. 1895, and to repeal sections 3 and 4 of an act entitled an act to amend sections 601 and 602 of Gantt's Digest, and to limit the power of County Courts and agents to make Contracts and to regulate appropriations approved December 7. 1895, and to repeal an act entitled an act to amend section 75 of an act entitled an act fixing the regular terms of holding the county Courts of the state, and for fixing the Salary of County Judges and per diem pay of associate justices in the several counties in this state approved July 5, 1895, approved December 14. 1895, and to repeal an

act entitled an act to make valid jurors Certificates, approved March 8. 1897, and to fix the time of the meeting of the County courts of this State, for the levying of County taxes and making appropriations for the expenses of the County, and the manner of carrying into effect section 30 of article 16 of the Constitution of the State of Arkansas" was ordered up, read a third time and placed upon its final passage x

And the question being=
Shall the bill pass?
It was decided in the affirmative x

Ayes ---	24
Noes ---	3
Not Vtg --	4

Those who voted in the affirmative are=
Senators Armistead, Boyd, Chism, Crowley Duncan, Grant, Gatewood, Harris, Harris Hill 2nd King, Kerr, Mitchell Mueller, Pennington, Reid, Rutherford Stanford Tipton Watson White Whittington, Williams, Wilson - 24

Voting in the negative were = Senators Carlton. Ferguson, and the President - 3 x

Absent and not voting were = Senators Hampton, Thornton and Watkins - 3

Excused from voting was Senator Terry - 1

And so the bill passed x

Mch 13 1899

Senate Bill No. 184, "An act to repeal section 2779, Chapter 57 of Gantt's Digest was was taken up read a third time and placed upon its final passage x

And the question being =
Shall the bill pass?
It was decided in the affirmative

Ayes ----	16
Noes ---	10
Not Voting --	5

Those who voted in the affirmative are = Senators Chrisman Crowley Duncan Ferguson Grant Satterwood Hanna Hill Kerr, Pennington Rutherford, Stanford, Tipton, Watson, Wilson and the President — 16

Voting in the negative were = Senators Armistead, Boyd Carlin, Harris Mitchell, Mullkey, Reid, Terry, Whittington and Williams — 10 x

Absent and not voting were = Senators Hampton, Judkins, Thurston and White — 5 — x

And so the bill passed x

Senator Tipton called to the chair x

A message from the House was received, by John G. Holland Esq. its Clerk, who, being invited within the bar of the Senate read as follows =

Hall House of Representatives
March 11. 1879 x

Mr. President =

H B 307 I am instructed by the House of Representatives to inform your honorable body of the passage by the House of H.B. No. 307, "An act to settle the debt due from the state of Arkansas to L. L. Johnson and D. H. Reynaldo, and the debt due from her to them;" and herewith respectfully transmit the same for your favorable consideration x

John G. Holland, Clerk x

H B 290 House Bill No 290 "An act to authorize the sale of Swamp Lands in certain cases" was ordered up, read a third time and placed upon its final passage x

But the question being =
Shall the bill pass?
It was decided in the affirmative

Ayes — — —	19
Noes — — —	7
Not Voting	5

Those who voted in the affirmative are = Senators Armistead, Boyd, Carlton, Crowley, Duncan, Ferguson, Gantt, Hanna, Harris Heil Mitchel, Mulky, Reid, Stanford, Terry, Whittington Williams, Wilson, and the President — 19×

Voting in the negative were = Senators Chesin Gatewood, Kerr, Pennington, Rutherford, Tipton, and Watson — 7×

Absent and not voting were = Senators Hampton, Judkins, Thornton Watkins and White-5-

And so the bill passed×

House Bill No. 160, "an act to change the boundary lines between Lincoln, Jefferson and Rocha Counties, and for other purposes" was taken up, read a third time and placed upon its final passage×

And the question being = Shall the bill pass, 2nd
It was decided in the affirmative×

Ayes ———	25
Noes ———	0
not Voting ——	6

Those who voted in the affirmative are = Senators Armistead Boyd Carlton, Chesin, Crowley, Duncan, Ferguson, Gantt, Gatewood Hanna, Harris Heill, Kerr, Mitchel, Mulky, Pennington, Reid Rutherford, Terry Thornton, Tipton, Watson, Whittington, Wilson and the President-25

None voted in the negative×

Absent and not voting were = Senators Hampton, Judkins, Stanford, Watkins White and Williams — 6

And so the bill passed×

Senator Wilson from the Judiciary Committee submitted a report on House Bill No. 26 and recommended that it do pass× Report received×

S/B/319

On motion House Bill No. 319. was taken up, read a third time and placed upon its final passage x

And the question being = Shall the bill pass? It was decided in the affirmative

ayes — — —	18
Noes — — —	4
Not Voting — —	9

Those who voted in the affirmative are = Senators Duncan, Ferguson, Grant, Hanna, Hill, Kerr, Mitchel, Mulkey, Pennington, Reid, Terry, Thornton, Tipton, White, Whittington, Williams, Wilson and the President — 18

Voting in the negative were = Senators Boyd, Carlton, Gatewood and Rutherford — 4 x

Absent and not voting were = Senators Armistead, Chrisman, Crowley, Hampton, Harris, Jackins, Stanford, Watkins and Watson — 9

And so the bill passed x

S/C/S/B 123

Senate Bill No. 123, "An act authorizing Railroad Corporations to construct bridges for highway travel as well as for railroad purposes, and to collect tolls for such use" was ordered up for consideration x

It was then on motion, read a third time and placed upon its final passage x

And the question being = shall the bill pass?

It was decided in the affirmative

Ayes — — —	17
Noes — — —	4
Not Voting	10

Those who voted in the affirmative are = Senators Boyd Carlton, Duncan, Ferguson, Gantt, Gatewood, Hanna, Hill Mitchell, Pennington Reid Rutherford, Terry Thornton, Tipton White and Williams — 19 ×

Voting in the negative were = Senators Chisin, Whittington, Wilson and the President — 4

Absent and not voting were = Senators Armistead, Crowley, Hampton Harris, Jenkins, Kerr, Mackey, Stanford, Watkins and Walser — 10

And so the bill passed ×

H.B. 307 House Bill No 307, was taken up read a first time, and the rules, on motion, being suspended, a second time. It was then, on motion referred to the Committee on Finance ×

H.B. 68 House bill No. 68, was ordered up and read a first time, and the rules being suspended, a second time ×

A message from the House was received by John G Holland Esq, its Clerk, who being invited within the bar of the Senate read as follows =

Hall House of Representatives
March 11. 1879 ×

Mr President =

I am instructed by the House of Representatives to inform your Honorable body of the passage by the House of "H. B. No. 189 "An act to amend Section 1381 of Gantt's Digest" and herewith respectfully transmit the same ×

John G. Holland
Clerk ×

H.B. 68. Senator Reid moved that House Bill No. 68 be made a special order for tomorrow, immediately after the reading of the Journal ×

Motion not agreed to ×

Senator Williams moved to amend the bill by striking out the words "Snow Springs", wherever they occur in the bill, and inserting in lieu thereof "Little Rock" x

Senator Reid moved to reject the amendment, and on the motion called for the ayes and noes x Call sustained x

And the question being =
Shall the amendment be rejected?
It was decided in the affirmative x

Ayes	16
Noes	12
Not Voting	3

Those who voted in the affirmative are = Senators Chism, Duncan Ferguson, Gantt, Gatewood, Hanna, Hill, Mitchell, Pennington, Reid, Rutherford, Stanford, Thornton, Watson, Whittington and Wilson — 16

Voting in the negative were = Senators Boyd, Carlton, Crowley, Harris, Jordan, Kerr, Mackey, Terry, Tipton, White, Williams and the President — 12

Absent and not voting were =
Senators Armistead, Hampton and Watkins — 3

And so the amendment was rejected x

Senator Carlton moved to strike out of the bill $40.000, and insert in lieu thereof "120-Loughborough Bonds"

Senator Mitchel moved that the amendment be rejected x

And on that motion the ayes and noes were called, and the call sustained x

And the question being =
Shall the amendment be rejected?
It was decided in the affirmative x

{ Ayes — — — 20
Noes — — — 8
Not Voting — — 3

Those who voted in the affirmative are = Senators Boyd, Crowley, Duncan, Ferguson, Gantt, Gatewood, Hanna, Heil, Mitchell, Mackey, Pennington, Reid, Rutherford, Stanford, Thornton, Tipton, Watson, Whittington, Wilson and the President — 20

Voting in the negative were = Senators Carlin, Chism, Harris, Jenkins, Kerr, Terry, White and Williams — 8+

Absent and not voting were = Senators Armistead, Hampton, and Watkins — 3+

And so the amendment was rejected+

Senator Jenkins moved that the bill be amended by inserting "100 Loughborough Road" instead of "$40.00011

On this motion, the ayes and noes were called and the call sustained+

And the question being = Shall the amendment be adopted? = It was decided in the negative+

{ Ayes — — — 9
Noes — — — 19
Not Voting — — 3

Those who voted in the affirmative are Senators Carlin, Duncan, Harris, Jenkins, Kerr, Mackey, Terry, White and Williams — 9

Voting in the negative were = Senators Boyd, Chism, Crowley, Ferguson, Gantt, Gatewood, Hanna, Heil, Mitchell, Pennington, Reid, Rutherford, Stanford, Thornton, Tipton, Watson, Whittington, Wilson and the President — 19

Absent and not voting were = Senators Armistead, Hampton and Watkins — 3

And so the amendment was rejected +

Senator Harris offered the following amendments, which was read =

Mr President =

I move to amend the bill by striking out "Iron Springs" as the location for the purpose of asylum, and adding an additional section to said bill as follows =

Section —. The Governor of the State with two persons to be selected by him and two to be elected by the House of Representatives, shall constitute a Board of Commissioners to select and designate the location of the Insane Asylum, provided for in this act."

The amendment having been read a first and second time.

Senator Harris moved that it be made the special order for tomorrow at 11 o'clock a.m.

On the motion the ayes and noes were called, and the call sustained =

And the question being =
Shall the bill be made a special order tomorrow at 11 o'clock
It was decided in the affirmative =

Ayes — — —	15
Noes — — —	13
Not Voting — —	3

Those who voted in the affirmative are = Senators Boyd, Carlton, Connolly, Ferguson, Hanna Harris, Judkins, Kerr, McKay, Rutherford Stanford, Terry, Tipton, White and Williams — 15

Voting in the negative were = Senators Chism Duncan, Gantt, Gatewood, Hill, Mitchell Pennington, Reid, Thornton, Watson, Whittington, Wilson and the President — 13 =

Absent and not Voting were = Senators Armistead, Hampton and Watkins — 3 =

And so the motion was adopted =

By consent, Senator Wilson submitted the following report, which was read=

S.B. 175

Mr. President the Judiciary Committee to whom was referred Senate Bill No. 175, an act to separate the office of Collector of Taxes from the office of Sheriff in the County of Phillips, and to provide for the election of such officer," have had the same under consideration, and I am instructed to report the same back and recommend that the bill do pass x

S.B. 175

The bill (S.B. 720. 175) was then taken up, read a third time, and placed upon its final passage x

And the question being= Shall the bill pass? It was decided in the affirmative x

Ayes ---	23.
Noes ---	2
Not Voting --	6

Those who voted in the affirmative are = Senators Boyd Carlton, Duncan Ferguson, Gantt, Gatewood, Hanna, Harris, Heiss, Judkins, Kerr, Mitchel, Mulkey, Reid Stanford, Terry, Thornton, Watson, White, Whittington, Williams and the President x

Voting in the negative were = Senators Rutherford and Tipton — 2 x

Absent and not voting were = Senators Armistead, Chism, Crowley, Hampton Pennington and Watkins — 6 x

And so the bill passed x

S.C.R. 6

On motion of Senator Duncan House Bill No. 836, was taken up, read a first time, and the rule being suspended a second time x

It was then on motion made the special order for tomorrow at 12 o'clock x

H.B. 334.

House Bill No. 334, was, on motion, taken up, read a first time and, under a suspension of the Rules, a second time.

It was then, on motion, made the special order for tomorrow at 11 o'clock A.M.

A message from the House, by John G. Holland, Esq. its Clerk, was received, and the messenger being invited within the bar of the senate said as follows:

Hall. House of Representatives
March 11. 1879.

Mr. President:

I am instructed by the House of Representatives to inform your Honorable body of the passage by the House of S.B. 162, "an act to adjust and settle the accounts of Robert C. Newton, late Treasurer of the State of Arkansas" and herewith respectfully return the same.

S.B. 162.

John G. Holland, Clerk.

On motion of Senator Carlton

S.B. 168.

S.B. No 168, an act regulating the matter of giving and taking bonds in actions of forcible entry and detainer" was taken up read a third time and placed upon its final passage.

And the question being:
Shall the bill pass?
It was decided in the affirmative.

Ayes — — — 17
Noes — — — 11
Not Voting — — 3

Those who voted in the affirmative — Senators Armistead, Carlton, Duncan, Hewitt, Hanna, Harris, Hill, Kerr, Mullkey, Pennington, Stanford, Terry, Tipton, Watson, White, Whitthorne, Wilson — 17

Those who voted in the negative — Senators Boyd, Cheairs, Crawley, Ferguson, Gatewood, Hopkins, Mitchell, Reid, Rutherford, Thornton and Mr. President — 11

Absent and not voting, Senators Hampton, Mathews and Williams — 3 —

And so the bill passed x

And then at 11 oclock and 20 minutes P.M. the Senate on motion adjourned x

M M Duffie

President of Senate x

Attest
Loy H. Rutschman
Secy

Senate Chamber,
Wednesday, March 12. 1879

The hour to which the Senate had adjourned 9 o'clock a.m. — having arrived, the President called the Senate to order ×

And the roll being called it was found that the following named members were present and answered to their names, viz:=

The President, Mr Duffie, and Senators Armistead Boyd, Carlton, Crowley Duncan Ferguson, Gantt Gatewood, Hampton, Hanna Hill, Jordkins, Kerr, Mitchel, Muckley, Pennington Reid Rutherford Stanford, Terry, Thornton, ~~White~~ White Whittington and Wilson ×

The following named were absent:= Senators Hampton, Harris, Tipton, Watkins, Watson and Williams ×

On motion the reading of the Journal of yesterday was dispensed with, for the time being. ×

Senator Hill, chairman of the Committee on Enrolled Bills, reported back Senate Bills Nos. 33 and 90, as correctly enrolled ×

Senator Armistead, of the Committee on Public Health, submitted for Senator Duncan a report which was read as follows:=

Mr President:=

Your Committee on Public Health beg leave to make the following report × The Senate having instructed your committee to prepare and report a bill embodying the ideas embraced in a former report of your Committee, state they have not had time to give the subject matter such an investigation, as its supreme importance demands and having ascertained that one pending in the Lower House a bill embodying, in the main, the ideas on this subject held by your Committee,

han concluded to wait the action of the House, as such action is absolutely necessary to accomplish the object desired ×

Respectfully submitted
J. W. Duncan,
Chairman ×

Senator Carlton called to the Chair ×

H.B.337. The bill of the House (H.B. No. 337) "an act providing for the expenses of the Executive, Legislative and Judicial Departments of the State Government," was taken up, read a third time and placed upon its final passage ×

{ And the question being=
Shall the bill pass?
It was decided in the affirmative ×

{ Ayes --- 20
Noes --- 2
Not Voting — 9

Those who voted in the affirmative are= Senators Armistead Boyd Carlton, Crowley, Duncan Gantt, Hanna, Hill, Judkins, Kerr, Mitchell, Muckey, Pennington, Reid Rutherford, Stanford, Terry, Thornton, and Wilson and the President — 20

Voting in the negative were= Senators Ferguson and Gatewood — 2 ×

Absent and not voting were= Senators Chism, Hampton, Harris, Tipton, Watkins, Watson, White, Whittington, Williams — 9

And so the bill passed ×

On motion of Senator Judkins, the special order for the hour was postponed to permit him to introduce a resolution, which was read as follows=

Whereas, It appears that the term of the President of the Senate, Hon. W. W. Duffie, will expire before the convening of the next regular session of the General Assembly; and,

Whereas, Section Eighteen, Article 5, of the Constitution, provides in such case for the election of another President from three members holding over, therefore, be it

Resolved, That 3.30 o'clock, p.m. of the 12th day of March, 1879 be, and is hereby designated as the time for commencing and holding said election for such President.

The Resolution was, on motion adopted ×

Senator Justice also offered the following Resolution:=

Resolved, that the President be authorized to appoint a page to fill the vacancy caused by sickness of Tommy Thornton, one of the pages of the Senate × Resolution adopted ×

H.B. 102

On motion of Senator Thornton the special order was further postponed in order that House Bill No. 102, entitled "An act regulating the compensation of the Clerk of Union County" be taken up ×

And the bill being ordered up for consideration Senator Thornton moved that section 7 of the same be amended so that it should read as follows:

Sec. 7.- Be it further enacted that nothing in this act contained shall be so construed as relieving said clerk from the duty of making any settlement or doing any other act now required of him, by the Annual laws of this State = Provided that this act shall not take effect or be in force until the expiration of the term of office of the present incumbent ×

Amendment read a first time, and, the rules being suspended, a second time ×

It was then, on motion adopted ×

The special order of the morning, immediately after the reading of the Journal, being House Bill No. 285, "an act to provide

H.B. 285

for the support and maintenance of the Arkansas Institute "for the Education of the Blind" was then ordered up for consideration x

Senator Terry moved that the vote by which the bill was placed upon its third reading be reconsidered x which was agreed to x

Pending consideration of the bill a message from the House was received, by John G. Holland, Esq, its clerk, who, being invited within the bar of the Senate, read as follows =

Hall, House of Representatives
March 12, 1879.

Mr President =

I am instructed by the House of Representatives to request your honorable body to return H. B. No. 307, "a bill to be entitled "an act to settle the debt due from the state of Arkansas to J. L. Johnson and D. H. Reynolds, and the debt due to them from them x"

H.B. 307

John G. Holland.
Clerk x

Senator Judkins moved that the votes by which the bill was amended, be reconsidered x agreed to x

Senator Judkins moved that the amendment substituting 10.000 for 8.000 in section 2. be laid upon the table x adopted x

Senator Judkins then moved to amend section 2 by striking out 8000 and inserting 15000 in lieu thereof x Amendment read a first and second time; and then, on motion adopted x

The President resumed the chair x

On a motion to read the amendment a third time, a question as to the constitutionality of such a proceeding was raised, when the President decided that, in his opinion, according to the provisions of the Constitution, neither a bill, nor an amendment thereto, could legally be read three times on the same day x

After some debate, Senator Terry moved that the sense of the Senate be taken on the constitutionality of the proposition to read the amendment a third time, under a suspension of the rules, and on the motion called for the ayes and noes x

And the question being =
Is it the opinion of the Senate that a bill or amendment thereto can, according to the Constitution, be read, under a suspension of the rules, three times on the same day,
It was decided in the negative x

Ayes	5
Noes	18
Not Voting	8

Those who voted in the affirmative are = Senators Boyd, Coulter, Ferguson, Terry, White — 5 x

Voting in the negative were = Senators Armistead, Crowley, Gatewood, Hampton, Hanna, Hill, Jenkins, Kerr, Mitchell, Nunery, Pennington, Reid, Rutherford, Thornton, Walton, Whittington, Williams and the President — 18

Absent and not Voting were Senators Chism, Duncan, Gantt, Harris, Stanford, Tipton, Watkins, and Wilson — 8 x

Senator Gatewood moved that the request of the House, to return to that body, House Bill No. 307, be complied with x

H.B. 307.

The announcement being made that the bill was in the hands of the Committee on Finance,

Senator Reid moved that said Committee be requested to return it to the Secretary's desk x
agreed to x

And Senator Kerr, Chairman of the Finance Committee, having forwarded the bill to the Secretary's desk,

The motion of Senator Gatewood was adopted, and the Secretary directed to return the bill to the House ×

S. B. 111 Senator Pennington of the Judiciary Committee reported back Senate Bill No. 111, with the recommendation that it do pass × Report received ×

A message from the Governor was received by W. J. Giblin Esq. his Private Secretary, who being invited within the bar of the Senate read as follows =

State of Arkansas.
Executive office,
Little Rock. March 12. 1879×

To the President of the Senate
Mr President =

S. B. 90 S. B. 33 I have approved and signed the following bills: S. B. 90, an act to give County Courts the authority to hold special terms of County Courts in their respective counties ×
S. B. 33, an act for the Preservation of Fish in the Rivers and other waters in this State ×

W. R. Miller,
Governor ×

S. B. 111. The consideration of Senate Bill No 111, entitled "an act to fix the per diem of officers and employees of the General Assembly" was resumed,

When, on motion of Senator Pennington, it was made a special order for 4 o'clock P. M +

H. B. 56 House Bill, 56, entitled "an act to Provide for the Support and Maintenance of the Arkansas Deaf Mute Institute" was, on motion, taken up, read a third time, and placed upon its final passage ×

And the question being =
Shall the bill pass?
It was decided in the affirmative ×

Ayes — — —	23
Noes — — —	0
Not Voting — — —	8

Those who voted in the affirmative are Senators Armistead, Boyd, Chism, Ferguson, Gantt, Gatewood, Hampton, Hanna, Hill, Judkins, Kerr, Mitchel, Mulkey, Reid, Rutherford, Stanford, Terry, Tipton, Watson, Whittington, Williams, Wilson and the President - 23 x

None voted in the negative x

Absent and not voting were Senators Carlton, Crowley, Duncan, Harris, Pennington, Thornton, Watkins and White - 8 x

And so the bill passed x

S.B. 164. Senator Watson, of the Committee on County Expenditures, reported back without recommendation, Senate Bill No. 164, "an act to authorize the bonding of the outstanding debt of Faulkner County at the adoption of the present constitution of this state" x Report Received x

Senator Watkins moved that the select Committee on County Expenditures, having performed all duties assigned, and considered all questions and measures referred to it, be discharged ~~from~~ from further duty x

On motion the Committee was discharged, and from further duty relieved x

H.B. 285. House bill No. 285, being again taken up, Senator Judkins moved to reconsider the vote by which the amendment, offered by the Committee on Finance, to Section 2, striking out "8000" and inserting "10.000" was laid upon the table x

Amendment was a first and second time and then on motion, adopted x

Senator Judkins moved to reconsider the vote by which the amendment striking out "8" and inserting "15" in Section 2 was adopted x

Amendment was a first time and the rules being suspended a second time & & & was read third time, on motion, adopted x

On motion of Senator Dowding, the bill was read a third time and passed upon its final passage.

And the question being
Shall the bill pass?
It was decided in the affirmative.

Ayes — — —	26
Noes — — —	0
Not Voting — —	5

Those who voted in the affirmative are Senators Armistead, Boyd, Carlton, Chism, Dowding, Duncan, Ferguson, Gantt, Gatewood, Hampton, Hanna, Harris, Hill, Jenkins, Kerr, Mitchell, Mullay, Reid, Rutherford, Stanford, Terry, Thornton, Tipton, Watson, Wilson and the President — 26

None voted in the negative.

Absent and not voting, four Senators Symington, Watkins, White, Whittington and Williams — 5.

And so the bill passed.

Senator Kerr chairman of the Committee on Finance reported back House Bill No 302, "an act making appropriations for the benefit of the Arkansas Industrial University" without amendment and with the recommendation that it do pass

H. B. 302

On motion of Senator Dowding the special order was further postponed to enable him to submit a report from the Committee on Penitentiary which was received and read as follows:

Little Rock, Arkansas
March 10. 1879

To the Hon. M. W. Duffie,
President of the Senate.

Mr President: The undersigned members of the Joint Committee of the Senate & House of Representatives upon the

subject of State Penitentiary would respectfully report that they have had under consideration the more than four weeks the charges of Dr. A.H. Scott late Physician to the State Prison against the Lessee of said State Prison or Penitentiary; that at the request of the party charging and the party charged they have summoned and caused to be brought before them a large number of witnesses, and have heard and caused to be recorded a great volume of testimony at a great expense to the State; and your committee after a careful examination of each and all of the witnesses produced before them, and the careful weighing and comparison of the testimony given by such witnesses, respectfully report as their opinion and conclusion that said charges are without material support supported by the testimony, and they do so report, and ask to be discharged from the further consideration of said charges And your Committee tender herewith the testimony adduced and taken before them in the behalf, as a part of this their report

Members of Senate { B.H. Crowly, Chairman
H. King White,
Wm H.G. Reid
Benjamin Harris,
L.H. Carleton
M. J. Kinkley,

Members of the House { Jos Simmons
Roderick Dunn
McDonald

From all evidence I have been able to see, the above report is fully sustained
Samuel H. Davidson

Senate Chair submitted a minority report from the committee which was received and read as follows =

To the President of the Senate =

The undersigned composing a minority of the Joint Committee of the General Assembly and the Penitentiary to whom was referred the charges of Dr A.H. Scott, Physician to the Penitentiary,

against Ex-Gov Ward. Lesser, would respectfully dissent from the majority and ask leave to submit the following report-

We do insist that there was a culpable neglect of the sick especially in the Hospital within the Penitentiary and inhuman treatment of Prisoners by those under whose directions they do work × A number of the Physicians who attended the Penitentiary in our official Capacity, in the absence of the Physician in charge, as well as of Scott himself, testify to the fact that the sick were not furnished with such food and stimulants as their condition required; Nor were the same furnished often times when demanded × There is a preponderance of testimony going to show that the Hospital in the Penitentiary at least for the most part of the last two years from its filthy condition was a nuisance, which fact the Lessee himself admitted to your committee × as to whom the responsibility of this condition of the Hospital is chargeable the minority submit is a question of law, the interpretation of which your committee are not called upon to determine ×

Your minority committee believe from the testimony taken by the Joint Committee that there were a number of Prisoners unnecessarily and brutally punished by whipping and prostrated by over work × The Joint Committee have labored long and faithfully in their effort to ascertain the facts and to do justice to all parties intrusted in this investigation having taken several hundred pages of testimony, and they are finally unable to agree × Therefore your minority would respectfully submit that in their judgment, the charges preferred by the Physician in charge, against the lessee are in many particulars sustained by the evidence × All of which is respectfully submitted ×

B B Chism
H. C Tipton

On Part of the House

D. E Parker, Chairman House Committee
W. H. Barry
James M Archer
James H Fraser
G. Thomas Holman

Feb 13. 68.

The consideration of House bill 320.
"68. "An act of incorporation and organization of a Hospital for the Insane was taken up ×

Pending discussion of the Amendment thereto of Senator Harris, Senator Judkins moved that the Rules be suspended and the Resolution of Senator Judkins extending the session of the Annual Assembly, be taken up × Motion not agreed to

And the question being on the motion to reject the Amendment the ayes and noes were called for and the call sustained.

Ayes ---	14
Noes ---	12
Not Voting	2

Those who voted in the affirmative are = Senators Armistead, Chism, Ferguson, Gould, Gatewood, Harris, Heill, Mitchell, Mudgett, Pennington, Reid, Stanford, Thornton, Tipton, Woods, Whittington and Wilson — 14

Voting in the negative were = Senators Boyd, Cullen, Crowley, Duncan, Harris, Judkins, Kerr, Rutherford, Terry, White, Williams and the President — 12

Absent and not voting were Senators Hampton, Watkins — 2 ×

And so the amendment was rejected ×

Senator Judkins moved that the further consideration of the bill be postponed until 3 o'clock and 10 minutes p. m. Lost ×

Senator White moved that the Senate take a recess until 3 o'clock, p. m. Not agreed to ×

The bill was then read a third time and placed upon its final passage.

And the question being =
Shall the bill pass ?
It was decided in the affirmative

Ayes ---	20
Noes ---	8
Not Voting --	3

Those who voted in the affirmative are = Senators Armistead, Byrd, Chiles, Duncan, Gantt, Gatewood, Hamm, Harris, Heild, Mitchel, Mulky, Pennington, Reid, Stanford, Thurston, Tipton, Watson, Whittington, Wilson and the President - 20

Voting in the negative were Senators Carlton, Crowley, Ferguson, Jenkins, Kerr, Rutherford, White and Williams - 8 x

Absent and not voting were = Senators Hampton, Terry and Watkins - 3 x

And so the bill passed +

H. B. 302 House Bill No. 302 was next taken up, read a third time and placed upon its final passage

And the question being =
Shall the bill pass ?
It was decided in the affirmative

Ayes ---	23
Noes ---	6
Not Voting --	2

Those who voted in the affirmative are Senators Armistead, Byrd, Carlton, Chiles, Duncan, Ferguson, Gantt, Hampton, Hamm, Harris, Heild, Kerr, Mitchel, Mulky, Pennington, Rutherford, Stanford, Thurston, Tipton, Watson, Whittington, Williams and the President - 23

Voting in the negative were = Senators Crowley, Gatewood, Jenkins, Reid, White and Wilson - 6 +

Absent + not voting were Senators Terry, Reid, Watkins +

And so the bill passed ×

And then, on motion, the Senate at 12 o'clock & 40 minutes, took a recess until 3 o'clock, p. m. ×

Afternoon Session ×

The hour of 3 o'clock p. m. having arrived, the President called the Senate to order ×

And the roll being called it appeared that the following named members were present (and answered to their names =

The President, Mr. Duffie, and Senators Boyd, Duncan, Ferguson, Gantt, Gatewood, Hampton, Hanna, Harris, Hill, Jadkins, Kerr, Mitchel, Mullig, Pennington, Reid, Rutherford, Stanford, Terry, Thurston, Tipton, White, Whitlington, Williams, and Wilson ×

Absent and Senators Armistead, Carlton, Crowley, Watkins and Watson ×

And a quorum announced ×

Senator White moved that the special order for the hour be postponed × which was agreed to ×

HJR 21

Home Joint resolution no 21 proposing an amendment to the Constitution was taken up and read a first and second time

Senator Hampton moved to strike out the words "Judge and Clerk of the Chancery Court" wherever they occur in the resolution × which motion was lost ×

Senator White then moved that the Resolution be made a special order for tomorrow morning at 11 o'clock × which motion prevailed ×

H.B. 114

Senator Jenkins made a suspension of the Rules called up House Bill No. 114, entitled "An act to donate certain lands of the State to the several Counties of this state";

Which was read a second time, and then on motion of Senator Walton, was made a special order for 7.30 o'clock this evening.

The hour of 4 o'clock and 30 minutes having arrived, the President announced that the special order for that hour was the election of a President of the Senate to succeed the President now presiding, as provided by law.

Senator Hamma placed the name of Senator Duncan, of Faulkner County in nomination.

Senator Jenkins nominated Senator Carlton of Christ County.

Senator Rutherford nominated Senator Gatewood of Prairie County.

Senator White nominated Senator Reid of Columbia County.

The names of Senators Gantt and Walton were also placed in nomination.

And the roll being called it was found that the following named Senators were present and voted viz:

For Senator Duncan — Senators Carlton, Gantt, Hamma, Kerr and Tipton — 5

For Senator Gantt — Senators Armistead Ferguson, Hemphill, Merkley, Pennington, Terry, Thornton, Wilson and the President — 10

For Senator Gatewood — Senators Duncan, Reid, Reid, Rutherford, Walton and Williams — 6

For Senator Reid — Senators Gatewood, Mitchell, Stamford, and White — 4

For Senator Watson — Senators Chreen and Harris — 2

For Senator Carleton — Senators Crowley and Jordan — 2 x

And no Candidate having received a majority of the votes of Senators elected, the President announced ~~that~~ that there was no election, and directed the Secretary to call the the roll the second time x which being done the President declared the following result x

Senator	Gatewood	received	6 votes
Senator	Watson	received	2 votes
"	Gantt	received	9 "
"	Reid	received	6 "
"	Mitchel	received	2 "
"	Neill	received	1 "
"	Duncan	received	3 "

Those Senators who voted for Senator Gatewood were — Senators Duncan, Gantt, Neill Reid, Rutherford and Williams — 6

For Senator Watson — Senators Harris and Tipton — 2

For Senator Gantt — Senators Carlton, Ferguson, Hamplin Pennington, Terry, Thornton, Whittington, Wilson and the President — 9

For Senator Mitchel — Senators Armistead and Mullins — 2 x

For Senator Reid — Senators Boyd, Gatewood, Jordan, Mitchel Stanford and White

For Senator Neill — Senator Watson — 1

The President announced that no one having received the constitutional majority there was no Election, and directed the Secretary to call the roll for a third ballot; which vote done and resulted as follows x

Senator	Gatewood	received	5	Votes
"	Watson	received	2	"
"	Gantt	received	8	"
"	Duncan	received	4	"
"	Reid	received	7	"
"	Mitchel	received	3	"
"	Hill	received	1	"

The following named Senators voted.

For Senator Gatewood — Senators Duncan, Hill, Reid, Rutherford and Williams — 5 —

For Senator Watson — Senators Harris and Tipton — 2

For Senator Gantt — Senators Ingram, Hampton, Pennington, Terry, Thornton, Whitfield, Walker and the President — 8

For Senator Reid — Senators Carlton, Crowley, Gatewood, Judkins, Mitchie, Stanford, and White + 7 x

For Mr Duncan — Senators Boyd, Chism, Hanna and Kerr — 4

For Senator Mitchel — Senators Armistead, Gantt & Mullay + 3 x

Senator Watson voted for Senator Hill x

The President stated the Result of the ballot; and there being no election, the Secretary was directed to call the roll in order that the Senate proceed to ballot the fourth time x which being done the following result was announced by the President =

Senator	Gatewood	received	5	votes
"	Watson	received	4	"
"	Gantt	received	8	"
"	Duncan	received	4	"
"	Reid	received	5	"
"	Mitchel	received	3	"
"	Hill	received	1	"

The following named Senators Voted:

For Senator Gatewood — Senators Duncan, Hill, Reid, Rutherford, and Williams — 5 —

For Senator Watson — Senators Boyd, Harris Mitchel and Tipton — 4 x

For Senator Grantt — Senators Ferguson Hamilton, Pennington, Terry, Thornton Whittington, Wilson and the President — 8 x

For Senator Duncan — Senators Chism, Grantt, Hanna & Kerr — 4

For Senator Reid — Senators Connelly, Gatewood, Judkins, Stanford and White — 5 x

For Senator Mitchel — Senators Armistead Carlton and Mueky — 3 x

Senator Watson voted for Senator Hill x

The President announced that no election was had and the Senate would proceed to ballot the Fifth time and so that and directed the Secretary to call the roll - pending which the following message was received from the House by Representatives, to wit =

Hall. House of Representatives
March 12 - 1879

Mr President =

I am instructed by the House of Representatives to inform your Honorable Body, of the passage by the House of S. B. No. 170 "An act to provide for the Redemption of delinquent lands, and to repeal Sections 5-185, and 5186 of Gantt's Digest; Also Senate Bill No. 165 - "an act to regulate the donation and Redemption of forfeited lands, and to repeal Sections 3905 of Gantt's Digest and for other purposes";

S. B. 170

Also Senate Bill No 174, "an act to encourage the building of Railroads in the State of Arkansas, and for other purposes" x

S. B. 174

Also, S. B. No. 171, "an act to donate certain lands of the State to the Little Rock,

S. B. 171.

Mississippi and Texas Railroad" x
1.B.59. Also S. B. 59, entitled "an act to donate public lands to the Iron Mountain and Helena Railroad Company", and herewith respectfully return the same"

John G. Kellard, Clerk x

Senate Terry of Pulaski County was placed in nomination by Senator Buckley x

And the roll being called it appeared that the following named members were present and voted x

For Senator Terry. - Senators Crowley Gantt & Buckley - 3

For Senator Galewood - Senators Dawson, Neill, Mitchel Reid Rutherford, and Williams - 6 x

For Senator Watson - Senators Harris, Chism and Tipton - 3

For Senator Reid - Senators Carlton, Galewood, Jordan, Stanford and White - 5 x

For Senator Gantt - Senators Ferguson, Hampton, Pennington, Terry, Thornton, Whittington and the President - 7 x

For Senator Mitchel, Senators Armistead and Boyd - 2 x

Senator Watson voted for Senator Neill x

The President stated no election was had and directed the Secretary to call the roll for a sixth ballot x which being done resulted as follows -

Senator Terry received 4 votes
" Gatewood " 5 "
" Watson " 5 "
" Gantt " 7 "
" Reid " 5 "
" Mitchel " 1 "
" Hill " 1 "

Senators voting for Senator Terry — are Senators Boyd, Crawley Gantt and Mulkey — 4

Those who voted for Senator Gatewood are Senators Duncan, Hill Reid, Rutherford and Williams 5 —

Those who voted for Senator Watson are Senators, Armistead, Chism Harris, Mitchell and Tipton — 5

Those who voted for Senator Gantt are — Senators Ferguson, Hampton, Pennington, Thornton Worthington, Wilson and Mr President —

Those who voted for Senator Mitchell. are Senator Terry —

Senator Watson voted for Senator Hill

The President announced that no election was had and that the Senate would proceed to ballot the seventh time and directed the roll to be called which being done the following was the result—

Senator Terry received 3 votes
" Gatewood " 6 "
" Watson " 6 "
" Gantt " 7 "
" Reid " 5 "
" Hill " 1 "

Those Senators who voted for Senator Terry are Senators Crawley Gantt and Mulkey — 3

Those who voted for Senator Gatewood are Senators Duncan, Hill Kerr, Reid, Rutherford and Williams — 6

Those who voted for Senator Gantt are Senators Boyd, Ferguson Hampton, Pennington, Terry, Thornton Mr Mr President — 7

Those who voted for Senator Reid are Senators Carlton, Gatewood Hopkins, Stanford Mr White — 5

Senator Watson voted for Senator Hill —

The President stated that there was no election and directed the Secretary to call the roll in order the Senate proceed to ballot the eighth time — The roll was called and the ballot resulted as follows—

Senator Terry received 4 votes
" Gatewood " 5 "
" Watson " 5 "
" Gantt " 6 "
" Reid " 5 "
" Hill " 1 "

The name of Senator Duncan had been withdrawn previous to this ballot —

The Senators who voted for Senator Terry are Senators Boyd Carlton, Gantt, and Mulkey —

Those who voted for Senator Gatewood are Senators Duncan Hill, Kerr, Mitchell, Reid, Rutherford and Williams

Those who voted for Mr Watson are Senators Armistead, Chism Hanna, Harris and Tipton —

Those who voted for Senator Gantt are Senators Ferguson, Hampton, Pennington, Terry, Thornton and Mr President.

Those who voted for Senator Reid are Senators Crowley Gatewood, Judkins, Stanford and White —

Senator Watson voted for Senator Hill —

The President stated that there was no election and directed the calling of the roll that the Senate might proceed to ballot the ninth time — which was done — and it appeared that no election was had — the following being the result —

Senator Terry received 8 Votes
" Gatewood " 7 "
" Watson " 3 "
" Gantt " 6 "
" Reid " 3 "

The Senators who voted for Senator Terry are Senators Boyd, Chism, Crowley, Gantt, Hanna, Judkins, Mitchell and Mulkey —

Those who voted for Senator Gatewood are Senators Carlton Hill, Kerr, Reid, Rutherford, Watson and Williams

Those who voted for Senator Watson are Senators Armistead, Harris and Tipton —

Those who voted for Senator Gantt are Senators Ferguson Hampton, Pennington, Terry, Thornton and Mr President —

Those who voted for Senator Reid are Senators Gatewood Stanford and White —

Senator Duncan voted for Senator Carlton —

The President then announced that the last ballot resulted in no election, and directed the roll to be called the tenth time which was done and resulted as follows — to wit:

Senator Terry received 9 votes
" Gatewood " 6 "
" Watson " 1 "
" Gantt " 7 "
" Reid " 4 "

Those Senators voting for Senator Terry are Senators Armistead Boyd, Carlton, Chism, Gantt, Hanna Harris, Mitchell and Mulkey —

Those who voted for Senator Gaterwood — are Senators Duncan, Hill, Reid, Rutherford, Watson and Williams —

Those who voted for Senator Gantt, are Senators Ferguson, Hampton Judkins, Kerr, Pennington Judkins, Terry, Thornton and Mr President

Those who voted for Senator Reid are — Senators Crowley Gaterwood Stanford and White —

The President stated that there was no election and directed that the ballot be had again, and thereupon the Secretary called the roll the 11th time — which resulted as follows - to wit:

Senator Terry received 11 votes
" Gaterwood " 5 "
" Watson " 1 "
" Gantt " 7 "
" Reid " 3 "

Those Senators who voted for Senator Terry are Senators Armistead Boyd, Carlton, Chism, Crowley, Gantt, Hanna, Harris Judkins, Mitchell and Mulkey —

Those who voted for Senator Gaterwood are Senators Hill, Reid, Rutherford, Watson and Williams —

Those who voted for Senator Gantt are Senators Ferguson, Hampton, Kerr, Pennington, Terry, Thornton and Mr President —

Those who voted for Senator Reid are Senators Gaterwood Stanford and White —

Senator Tipton voted for Senator Watson —

The President announced there was no election, and directed the Secretary to call the roll in order that the 12th ballot be had —

The 12th Ballot resulted as follows —

Senator Terry received 10 votes
" Gaterwood " 5 "
" Watson " 1 "
" Gantt " 8 "
" Reid " 3 "

Those Senators who voted for Senator Terry are Senators Boyd, Carlton, Chism, Crowley, Gantt, Hanna, Harris, Mitchell Mulkey and Stanford —

Those who voted for Senator Gatewood are Senators Hill, Reid, Rutherford, Watson and Williams —

Those who voted for Senator Gantt are Senators Ferguson Hampton, Kerr, Pennington, Terry, Thornton Wilson and Mr President —

Those who voted for Senator Reid are Senators Gatewood Judkins and White —

Senator Tipton voted for Senator Watson —

The President announced that there was no election, and directed the Secretary to call the roll for the 13th ballot —

Senator Armistead moved that a short recess be taken for consultation, which was not agreed to —

Senator Rutherford was nominated by Senator Tipton —

The roll was called and resulted as follows —

Senator Terry received 10 votes
" Gatewood " 5 "
" Gantt " 9 "
" Reid " 3 "
" Rutherford " 2 "

Those who voted for Senator Terry are, Senators Armistead, Boyd, Carlton, Chism, Gantt, Hanna, Harris Mitchell, Mulkey and Stanford

Those who voted for Senator Gatewood are Senators Kerr Reid, Rutherford, Watson and Williams —

Those who voted for Senator Gantt are Senators Ferguson, Hampton, Hill, Pennington, Terry, Thornton Wilson, Whittington and Mr President —

Those who voted for Senator Reid are Senators Gatewood Judkins and White.

Those who voted for Senator Rutherford are Senators Crowley and Tipton —

The President declared that there was no election

The 14th ballot was had with the following —

result —

Senator Jerry received 13 votes
" Gatewood " 5 "
" Gantt " 8 "
" Reid " 2 "
" Rutherford " 1 "

Those Senators voting for Senator Jerry are Senators Armistead, Boyd, Carlton, Chism, Crawley, Gantt, Hanna Harris, Hudkins, Mitchell, Mulkey, Stanford and Mr President —

Those who voted for Senator Gatewood are Senators Kerr Reid, Rutherford, Watson and Williams —

Those who voted for Senator Gantt are Senators Ferguson, Hampton, Hill, Pennington, Terry, Thornton, Whittington and Wilson —

Those who voted for Senator Reid are Senators Gatewood and White —

Mr Tipton voted for Mr Rutherford — The name of Senator Rutherford was then withdrawn by Senator Tipton —

The President then announced that there was no election and the 15th ballot was had — which being done the following result was declared by the President to-wit —

Senator Terry received 18 votes
" Gatewood " 11 "

Those Senators who voted for Senator Terry are Senators Armistead, Boyd, Carlton, Chism, Crawley, Gantt, Gatewood Hanna, Harris, Hudkins, Mitchell, Mulkey, Pennington, Stanford Thornton, White, Whittington and Mr President

Those Senators who voted for Senator Gatewood are Senators Ferguson, Hampton, Hill, Kerr, Reid, Rutherford, Terry, Tipton, Watson, Williams and Wilson —

The President then announced the vote and declared that Senator Terry from Pulaski County, was duly elected President of this Senate, as provided in Sec 18 Article 5 of the Constitution of this State —

On motion of Senator Hudkins No. B —

No 114 — An act donating certain lands to the several counties in this State was taken up, and the amendment offered by Senator Stanford, to except the counties of Lee and Phillips from the provisions of the bill was read a third time —

Senator Kerr then moved to take a recess until 7 30 Oclk P.M. of this day, which was agreed to —

Night Session

The hour of 7 30 Oclock P.M. having arrived the Senate was called to order by the President.

Quorum present —

H.B. No 334 Senator Reis moved that the further consideration of H. B. No 334 be postponed until tomorrow morning immediately after the reading of the Journal Agreed to —

H.B. No 187 H.B. No 187 — An act entitled An Act to Amend Section 1381 of Gantt's Digest was taken up and read a first time —

Senator Hill Chairman of the Committee on Enrolled Bills, submitted this report —

Mr President

Your Com. on Enrolled Bills beg leave to present this report — We have examined Senate Bills No 42 and 158 and 162 and find the same to be correctly enrolled —

Hill Chairman

S.B. 42 S.B. 158 S.B. 162

H.B. 336 H.B. No 336 was taken up and placed upon its final passage —

And the question being Shall the Bill Pass —

It was decided in the affirmative —

Those who voted in the affirmative are Senators Armistead Boyd Brawley Duncan Gantt, Gatewood Hanna Jenkins Kerr Mitchell Mullkey Pennington Rutherford Terry White Williams and Mr President —

None voted in the negative —

Absent and not voting — Senators Carlton, Chism, Ferguson, Hampton, Harris, Hill, Reid, Stanford, Thornton, Tipton, Watkins, Watson, Whittington and Wilson.

And so the Bill passed —

H.B. 73 On motion House Bill No 73 was temporarily postponed —

Senator Crowley moved that 500 copies of the Report of the Com - on Penitentiary be printed

Senator Harris moved as a substitute that one thousand Copies be printed — which motion prevailed —

H.B. 73 The special order for the hour being H.B. No 73 — Senator Reid moved to postpone Consideration of same until the hour of 9 30 o'clock a.M. tomorrow morning —

Which motion was lost —

The Bill was then taken up and read a third time and placed upon its final passage —

And the Question being
Shall the Bill pass
It was decided in the affirmative —

Those voting in the affirmative are Senators Armistead, Boyd, Chism, Crowley, Duncan, Ferguson, Gantt, Hanna, Hill, Kerr, Pennington, Reid, Rutherford, Terry, Thornton, Tipton, Watson, White, Whittington, Williams, Wilson and Mr President — 22

Those who voted in the negative are Senators Carlton Harris, Judkins, Mulkey 4 —

Absent and not voting — Senators Gatewood, Hampton Mitchell, Stanford and Watkins 5

And so the bill passed —

The President appointed Jefferson Davis Crawford as Page of the Senate —

H.B. 111 The Special order being the consideration of H.B. No 111 being an act to attach the county of Clark to the Counties of Washoe and Nevada and for other purposes was called up — Senator Watson moved to postpone — Agreed to —

The Majority and Minority reports of the Com on the Penitentiary were taken up — Senator Crawley moved to adopt the majority report —

Senator Kerr moved as a substitute to adopt the minority report —

Senator Perry moved to lay both reports on the table subject to call — This motion prevailed —

H.B. 111. House Bill No 111 An act to attach the County of Clark to the Counties of Dallas and Nevada being special order, was called up — when Senator Carlton moved to postpone — Not agreed to —

The Bill was then read the third and last time and placed upon its final passage —

And the question being
Shall the Bill pass
It was decided in the affirmative —

Those who voted in the affirmative are Senators Armistead, Boyd — Duncan, Ferguson, Gantt, Gatewood Hanna, Hill, Kerr, Mulkey, Pennington, Reid, Rutherford Perry, Thornton, Tipton, White and Mr President — 18 —

Those voting in the negative — Senators Carlton, Chisum Harris, Watson and Williams 5

Absent and not voting — Senators Crawley, Hampton, Hawkins Mitchell, Stanford Watkins Whittington and Wilson 8 —

S.B. 172. Carlton Senator asked leave to call up Senate Bill No 172 Substitute for S. B. 89 an act to allow the redemption of lands forfeited to the state for non-payment of taxes — And on this motion the special order was deferred for that purpose — The bill was read a second time and on motion of Senator Hawkins the rules were suspended and the bill read a third and last time and placed upon its final passage

And the question being
Shall the Bill pass
It was decided in the negative —

Those who voted in the affirmative Senators Boyd Carlton, Duncan, Hill, Mitchell, Reid, Rutherford

White, Williams and the President 10

Those voting in the negative — Senators Chism, Crowley Ferguson, Gault, Gaterwood, Hanna, Harris, Judkins, Terry Thornton, Tipton Watson and Wilson — 13

Absent and not voting Senators Armistead, Hampton Kerr, Pennington, Stanford Watkins and Whittington 7

And so the Bill passed —

H.B. 324 Senator Reid moved to take up H.B. 324 — Motion agreed to —

H.B. 114 House Bill No 114 An act donating certain lands to the several Counties in this state was taken up and the amendment to the bill offered by Senator Taylor to except the Counties of Lee and Phillips from the provisions of the bill and on the motion to adopt Senator Watson called for the Ayes and Noes — Call Sustained —

Those Senators who voted in the affirmative are — Senators Armistead, Boyd, Carlton, Chism, Duncan Hanna, Hill, Mitchell, Rutherford, Stanford, Thornton Tipton Watson, Williams Wilson and Mr President 16 —

Those voting in the negative are Senators Crowley Ferguson, Gault, Gaterwood, Harris, Judkins Reed, Terry and White 9

Absent and not voting Senators Hampton Kerr Mulkey Pennington, Watkins and Whittington 6

So the motion to adopt the Amendment was carried

H.B. 324 House Bill No 324 An Act to regulate the letting of public contracts &c — was taken up on motion of Senator Reid and read the third and last time and placed upon its final passage —

And the question being —
Shall the Bill pass
It was decided in the affirmative —

Those Senators who voted in the affirmative are — Senators Armistead, Duncan, Chism, Ferguson, Gault, Gaterwood, Hanna, Harris, Hill, Kerr, Mitchell, Mulkey, Pennington, Reid, Rutherford, Terry, Tipton

Whittington Williams and Mr President — 20

Those voting in the negative are ~~Senators~~ Boyd and Carlton — 2

Absent and not voting Senators Crawley Hampton Jenkins Stanford Thornton Watkins Watson White and Wilson 9

And so the Bill passed —

H.B. 99. On motion of Senator Thornton H.B. No 99 was taken up and read first time and under a suspension of the rules was read a 2nd time — and placed on the calendar

H.B. 211 House Bill No 211 "An act to amend Section 3076 of Gantts Digest was taken up — read the third time and placed upon its final passage —

And the question being
Shall the Bill pass
It was decided in the affirmative —

Those Senators voting in the affirmative are Senators Armistead Boyd Carlton Chism Duncan Ferguson Gantt Hanna Hill Jenkins Kerr Mitchell Mulkey Pennington Reid Stanford Terry Thornton Tipton Watson White Whittington and Williams 23

Those who voted in the negative — Senators Gatewood Harris and Mr President

Absent and not voting — Senators Crawley, Hampton, Rutherford Watkins and Wilson

And so the bill passed —

S.B. 187. Senator Jenkins asked and obtained leave to call up H. B. No 187 an act to amend Section 1381 of Gantts Digest which was read 2nd time and made special order for tomorrow immediately after the reading of the journal

S.B. 26 Senator White moved to suspend the rules and take up H.B No 26 "An act giving Justices of the Peace exclusive, original jurisdiction in all cases of misdemeanors and to try and finally determine the same" — Agreed to —

And the bill and amendments were taken up —
The Amendments to give Circuit Courts concurrent jurisdiction in certain Cases was rejected —

The Bill was then read a third time and placed upon its final passage —

And the question being —
Shall the Bill Pass
It was decided in the affirmative —

Those Senators who voted in the affirmative are Senators Amoss Boyd, Carlton Crowley Ferguson Gatewood Hanna Hill Judkins Mitchell Pennington Reid Rutherford Stanton Terry Thornton Tipton Watson White and Whittington 20 —

Those voting in the negative are Senators Chism Duncan Gantt Harris Kerr and Mr President 6

Absent and not voting — Senators Hampton, Mudkey, Watkins Williams and Wilson — 5

And so the Bill Passed —

H.B. 337 On motion H.B. No 337 "An Act providing for the expenses of the Executive, Legislative and Judicial Departments of the State Government" was taken up and the non-Concurrence of the House to the Senate Amendments as shown by the following message from the House —

Hall House Representatives
Mch 12 — 1879

Mr President — I am instructed by the House of Representatives to inform your honorable body of the Concurrence by the House in the 1st - 6th - 9th - 10th - 11th - 14th 16th — and 17th Senate Amendments to House Bill No 337 "An Act providing for the expenses of the Executive, Legislative and Judicial Departments of the State Government, and the non-Concurrence in the 2nd 3d 4th 5th 7th 12th 13th and 15th Senate Amendments to said Bill and herewith respectfully return the same for your further consideration

John G. Holland
Clerk

" " On motion House Bill No 337 providing for the expenses of the different Departments of the state government was taken up, and the non-Concurrence by the House to the

Senate Amendments was considered —

Senator White moved that the Senate refuse to recede from the amendments proposed and adopted by the Senate to said Bill and that the Senate insist upon the Amendments Non-Concurred in by the House — Which motion prevailed —

Senator Thornton moved to reconsider the vote by which H.B. No 114 was indefinately postponed —

H.B. 114

Senator Kerr moved to table the motion to reconsider — upon which the Ayes and Noes were called — Call sustained —

Those Senators who voted to lay the motion on the table are. Senators Armistead, Boyd, Carlton, Chism, Duncan, Hanna, Kerr, Mitchell, Mulkey, Rutherford, Stanford, Watson, and Mr President 13

Those who voted in the negative are Senators Ferguson, Gatewood, Harris, Hill, Jenkins, Pennington, Reid, Terry, Thornton, Tipton, White, Whittington & Williams 13

So the motion to table was lost —

The question then recurred upon the motion to reconsider — When Senator Kerr moved to indefinately postpone upon which motion the Ayes and Noes were called — Pending which the following message was received from the House —

Hall House Representatives
Mch 1879

Mr President

I am instructed by the House of Representatives to inform your honorable body that the House asks a Committee of Conference on Senate Amendments to House Bill No 337 to consist of three from the House and two from the Senate and has appointed on the part of the House Messrs Stubbs, Dickerson and Goode

H.B. 337

John G. Holland
Clerk —

Senator Jenkins moved that the President appoint three Senators to act in conjunction with the Com. of the House, as a Com of Conference on Senate Amendments to H. B. No 337 — The President appointed Senators Jenkins Tipton and Mitchell as such Committee

Senator Kerr moved to adjourn — Not agreed to —

On request Senator Pilcher was relieved from duty as member of Com — on Conference —

The President appointed Senator Hanna as such member —

The following message was received from the House —

Hall House Representatives
Mch 12 — 1879

Mr President I am instructed by the House of Representatives to inform your honorable body of the passage by the House of H.B. 99 - a Bill to be entitled An Act to promote the construction of Narrow Gauge Rail Roads — and the concurrence by the House in the Senate Amendments to H.B, No 101 " An Act to amend an Act to regulate proceedings in County Courts, in cases of Bastardy and for other purposes — and herewith respectfully transmit the same for your favorable consideration —

H.B. 99.

H.B 101.

John G. Holland
Clerk —

The Motion made by Senator Kerr to indefinately postpone the motion of Senator Thornton to reconsider the vote by which H.B No 114 was indefinately postponed — Upon which the Ayes and Noes were called — And called Sustained —

H.B. 114

Those Senators who voted in the affirmative are — Senators Armistead — Boyd — Chism Duncan Kerr Mulkey Rutherford, Stanford, Tipton Watson Williams and Mr President — 12 —

Those who voted in the negative are Senators — Crowley Ferguson — Gatewood Harris, Hill, Pennington, Reid Terry and Thornton — 9

Senator Terry moved to take up Senate Bill No 21 —

H.B. 21.

Senator Crowley moved to adjourn — Lost —

Senator Pennington moved that House Bills on first reading be taken up — and considered — There being none, Senator White moved to take up House Bills

on Second readings — Agreed to —

Senator Reid moved that the Senate adjourn which was agreed to and the President declared the Senate adjourned until tomorrow morning at 9 o'clk

M M Duffie
President of the Senate

Attest
Lou A Kretzschmar
Secr

Senate Chamber
March 18th 1874

The Senate met pursuant to adjournment
Mr. President Dolph in the chair
The Secretary called the roll
When the following Senators answered to their
names; Senators Boyd, Crosby, Duncan, Ferguson, Gantt, Galesworth, Hamm, Harris, Hill
Jenkins, Mitchell, Mulkey, Pennington, Reid,
Rutherford, Sanford, Shorkley, Smith, Watkins,
Watson, Whitington, Williams and Mr President
a quorum present
And Mr Buchanan the Chaplain offered
prayer.

~~The Journal of Yesterday was~~ The Journal was read and

Senator Jenkins rose to a question of privilege and asked that he be allowed to report from the Committee on Enrolled which was agreed to

Whereupon he submitted the following report:

To M. M. Dolph
President of the Senate

Mr President.

Your Committee on Enrolled Bills to which was referred Senate amendment to HB No 337 An Act to provide for the Expenses of the Executive, Legislature and Judicial Departments of the State Government, having duly considered each of said amendments as are now current in by the House of Representatives most respectfully report that for your favorable consideration the following Report;

Your Committee unanimously recommend:

First; That the House do concur in Senate amendment No 2. which strikes out $6600.00 in Subdivision 8. Appropriations $10,000.00

2. That the House do concur in Senate amendment No 3. which strikes out and subdivision No 12

the words and figures $4200.00 and insert $4800.00

3d That the House do concur in Senate Amendment #4 which Strikes out of Subdivision #12 the Sum of $6000.00 and insert $10,000.00

4th That the House do concur in Senate Amendment Nos. which Strikes out of Sub. division 14 the figures $6000.00 and insert $10,000.00

5th That the House do concur in Senate Amendment No. 7. which allows the Governor $1800.00 for Clerk hire, and an additional Clerk

6th That the House do concur in Senate Amendment No 8. which Strikes out of Subdivision 23. the figures $600.00 and insert $1000.00

7th That the House do concur in Senate Amendment No 15. which appropriates to Atty General $1200.00 for Clerk hire and Contingent Expenses.

8th That the Senate do recede from its Amendment Striking out Subdivision 18. which provides for Contingent Expenses of the Supreme and Circuit Courts

9th That the Senate do recede from its Amendment to Subdivision (And 18) appropriating $1200.00 for Messenger for Governor.

All of which is respectfully Submitted.

On motion of Senator Hill
the report was adopted

The question then being
Shall the Senate recede from its Amendment to HB No 337. Striking out Subdivision No 8.
The ayes and noes being called for and obtained
The Secretary called the Roll
When the following Senators voted in the affir-

HB 337

ative. Senators Armistead, Boyd, Carlton,
Chisolm, Crowley, Dameron, Ferguson, Gutenson,
Harmon, Harris, Hill, Hudnall, Kerr, Mitchell,
Mulkey, Pennington, Reid, Rutherford, Stanford
Terry, Thornton, Watson, White, Whitington,
Williams, Wilson, and Mr President 29.

None in the Negative

So the Senate receded from its Amendment
HB 337 being Subdivision No 58 to HB No. 337

The next Amendment being an amendment to
Subdivision No 13. providing for rent Governors Mansion
The question being
Shall the Senate recede from its Amendment to Subdivision No 13. appropriating
$1200 per rent of Governors Mansion
Which received the ayes and noes
which being Ordained
The following
Senators voted in the affirmative.
Senators Boyd, Chisolm, Dameron, Ferguson,
Gutenson, Hudnall, Harmon, Harris, Hill, Hudnall,
Kerr, Mitchell, Mulkey, Pennington,
Reid, Rutherford, Stanford, Terry, Thornton,
Watson, Whitington, Williams, Wilson
and Mr President 23.

In the negative, Senators Armistead
Carlton, Crowley, and White 4.

So the Senate receded from its said
Amendment.

The Special order for this hour being
HB 187 HB No 187. An Act Entitled an act
to amend Section 1381 of Code Digest
provisions etc. as
Read a third time
The question then being
Shall the Bill (HB No 187) pass
The Secretary called the Roll
When the following Senators voted in
the affirmative Yeas (Boyd, Carlton,
Crowley, Dameron, Gutenson, Hudnall
Hill, Hudnus, Kerr, Mitchell, Mulkey

Berry, Thornton, Whittington, Wilson Cues 11 nv.
President 16.

In the negative Senators Armistead, Chism, Ferguson, Harris, Reid, Rutherford and Watson 7.

In the affirmative 16
In the negative 7
Absent and not voting 8
31.

So the Bill (H.B No 187) passed

On motion of Senator Reid
H.J.R. No 21. was taken up and read a third time

The question then being
Shall H.J.R. No 21. pass
Mr. Armistead moved that the Resolution (H.J.R. #21) be indefinitely postponed.

The ayes and noes being called for and ordered

The Secretary called the Roll.

The following Senators voted in the affirmative Senators Armistead, Gatewood, Hamilton, Harris, Reid, Kerr, Rutherford and Watson. 8.

In the negative; Senators Boyd, Chism, Crowley, Kinnaman, Ferguson, Gantt, Hanna, Jordan, Murphy, Pennington, Boyd, Perry, Thornton, Watkins, White, Whittington and Mr President 19.

So the motion to indefinitely postpone was lost

A Message was announced from the House

That Mr Odell and the Clerk of the House of Representatives attended and read as follows.

House of Representatives
April 12, 1899.

Mr. President: I am instructed

by the House of Representatives to inform
your Honorable body that the House has
considered the Report heretofore had by
H.B. 307 which H.B. No 307 A bill to be entitled
H.B. 307 "An act to settle the debt due from the
State of Arkansas to L L. Johnson and D.H.
Reynolds and the debt due to her from
them" has heretofore passed and has again
passed said bill, which is herewith
respectfully transmitted for your further
Consideration

Wm G. Hollands
Clerk

The question then recurring upon the
passage of
H.J.R. 21. H.C.R. No 21.
The Secretary called the
Roll
The following Senators voted in the
affirmative, Senators Boyd, Dodds,
Dunnington, Reid, Sanford, Thornton,
Tipton, Trafton and White 9.

In the Negative Messrs Armistead,
Carlton, Crain, Crutcher, Ferguson,
Gautney, Grimpton, Hamby, Harris,
Hill, Kerr, Mitchell, Mulkey, Rutherford,
Terry, Wilson, Whittington, Williams,
Wilson and Mr President 20

In the affirmative 9.
In the negative 20
absent & not voting 2.
31.
So H.J.R. No 21. failed to pass

A Message was announced from
the House
Mr Hollands the Clerk of the
House appeared and was introduced.
House of Representatives
March 18. 1879.
Mr President
I am instructed by
the House of Representatives to inform

your honorable body that the House, in
Coincidence with the recommendations
of the Conference Committee, has reconsider-
ed its former action and has concurred
in the Senate amendment to H.B. No 337.
viz: Nos. 2, 3, 4, 5, 7, 8 & 15.
also that the House has con-
curred in Senate amendment to
H.B. No. 285 An act to provide for the
Support and maintenance of the
Industrial Institute for the Education
of the blind and for other purposes
John G. Kallunki
Clerk

H.B. No 10. An act to be entitled
"An act to regulate the sale of property
under Mortgages and Deeds of Trust"
was read up and Read a third time.
The question thereupon being
shall the bill (H.B. No 10) pass.
The Secretary called the Roll
the following Senators voted in the
affirmative. Senators Armistead,
Boyd, Brown, Duncan, Ferguson,
Gatewood, Harris, Mitchell, Murray
Reid, Stanford, Terry, Thornton, White
and Pittington 15.

In the negative Senators Crosby,
Dice Pennington, Rankin, Ferdy Taylor,
Watkins, Watson, Williams, Wilson
and the President 10

In the affirmative 15.
In the negative 10
Absent and Not voting 6

So the bill (H.B. No 10.) Passed

A Message was announced from
the House by the Clerk, Mr Kallunki who
appeared, and said the following
House of Representatives
March 13th 1879
Mr President

I am instructed by the House of Representatives to inform your honorable body of the passage by the House of
S.B. 153. C.S.S.B. No 153. A bill to be entitled An act to fix the salaries of State officers and the per diem of members of the General Assembly" to which the concurrence of your honorable body is requested

Strike out the last proviso of section one, which provides for fixing the per diem of members of the General Assembly and insert in lieu thereof a proviso fixing the per diem at Three Dollars per day

John G. Edmunds
Clerk

By consent Senator Rice introduced
S.C.R. 7 S.C.R. #7. Relative to the indebtedness of J.W. Musser to the State of Arkansas in the sum of $2820.38 in Greenbacks and $80.00 in currency and providing that the Auditor be directed upon the payment of said sums on or before the first day of January 1880 to said defendants in fee, issue a grant in pursuance to his duties &c

On motion — Adopted —

H.B. 307 H.B. No 307 was again taken up and On motion of Senator Carlton the Bill was read a third time.

The question then being
Shall the bill H.B. #307 Pass
The Secretary called the Roll
When the following Senators voted
in the affirmative; Senators Armistead, Carlton, Drummond, Ferguson, Hall, Hanna, Harris, Hein, Jenkins, Kerr, Mitchell, Mullen, Penninger, Reid, Rinkerfield, Scott, Smith, White, Watson, Wilson, and Mr President 21.

In the Negative Senator Boyd, Gates, Rood, Shinpoch and Whittington 4.

In the affirmative 21
In the negative 4
absent and not voting 6

So the bill (H.B. No 807) passed

Senator Pennington who was been granted introduced the following Resolution

"Resolved by the General Assembly of the State of Arkansas That a Joint Committee of two from the Senate and three from the House be appointed to wait on the Governor and inform him that the General Assembly are ready to adjourn sine die on this day at 9 O'clock P.M. and ask respectfully if he has any further Communication to make to them

Sen. Kerr moves to amend by striking out "9" and inserting "6 PM"

Senator Reid offers a substitute as follows

"Whereas this is the last day this General Assembly can remain in Session Constitutionally

Be it therefore Resolved That a Committee of three be appointed by both Houses by the Governor and ask of him if he has any Communication to make to the Senate

Which was not agreed to

The question recurring on the Resolution of Senator Pennington as amended

A Message was announced from the House

Mr Hallum the Clerk of the House appeared and read as follows

House of Representatives
March 10th 1879

Mr President

I am instructed by the House of Representatives to inform your honorable body of the passage of

H.B. No 104 H.B. No 102 "An act to be entitled "An act to restore to Perry County

territory was improperly detached therefrom and attached to Conway County under an act to create the County of Faulkner and for other purposes" approved April the 11th 1873. and herewith return the same

John G. Hallum
Clerk

On motion of Senator Perry the Senate took a Recess until 3 oclock P.M.

After Recess
at 3 oclock P.M.

The Senate was called to order by the President.

The roll was called the following Senators were found present:

Senators Boyd, Chism, Ferguson, Galloway, Hamm, Harris, Hill, Jordan, Kirs, Kerr, Mitchell, Pennington, Reid, Rutherford, Perry, Thornton, White, Whitt, Wright, Williams, Wilson and the President

A quorum

Senator Mitchell, rose to a question of privilege and in a few appropriate remarks, approving the conduct of the President. Mr Griffin in discharging the duties of President of the Senate, presented the Gentleman with a Gold Mounted Cane as a token of appreciation of his impartial kind and faithful discharge of his duties.

To the remarks of Senator Mitchell, President Griffin replied thanking the Senate for the confidence it has reposed in him &c &c

Senator Reid now called up his resolution calling for a committee to wait upon the Governor apprising him that

Pending motion

Senator Rice submitted the following
report

Mr President

Your Committee on Enrolled Bills beg leave to present the following Report

We have examined Senate bills
S. B.s 69-170-171-174-& 165 Nos. 54 — 170 — 171 — 174 — & 165 and found
the same correctly enrolled
All of which is respectfully Submitted

Reid
Chairman

Senator Pennington arose and the Chair

S.B. 25. Senate Bill No 25 was taken up
and on motion of Senator Pennington
SB #25 was read a third time
The question then being
Shall the bill pass
The Secretary called the Roll
When the following Senators voted in the affirmative; Senators Boyd, Ferguson, Gantt, Lattimore, Nunnery, Harris, Reid, Judkins, Pennington, Reid, Richardson, Berry, Thornton, Watson, Whitmire, Wilson and Mr President 18.

In the negative Senators Chisman and Mitchell 2.

In the affirmative 18.
In the negative 2
Absent and not voting 11
31

So the bill (SB No 25) passed

The resolution offered by Senator Reid
... [illegible] ...
calling for a committee to wait upon the Governor was then
adopted and Governor the President appointed Senators Reid, Ferguson and Harris as such Committee

On motion SB No 153 was taken up ...

Pending Which
A Message was an-
nounced from the Governor
Mr Joslin
the Private Secretary to the Governor ap-
peared and read as follows.
State of Arkansas
Executive Office
Little Rock Dec 13. 1879
To the President of the Senate
Mr President
I have approved and signed the following
Bills

S.B. 42 S.B. No 42. An act to relate Sections
4, 6, 10, 14, 24, 29, 32, 34, 40, 42, 56, 58, 59,
61, 62, 65, 69 and 71 of an act entitled
An act fixing the Regular terms of holding
the County Courts in the State, and for
fixing the Salary of the County Judges
and the per diem pay of Associate Justices
in the several Counties in this State"
approved Feb. 5. 1875. and also to
repeal an act entitled "An act to
amend an act fixing the Regular
Terms for holding the County Courts
of the State and for fixing the Salary
of the County Judges and the per diem
pay of Associate Justices in the
several Counties in this State" ap-
proved Feby Eighteen hun-
dred and seventy five (1875) Approved
March 2d 1875 and to fix the Regular
Terms of holding the county courts and
the Salary of the County and Probate
Judges of the Counties named in this
Act

S.B. 158, S.B. 158 An act to authorize the
Commissioner of State Lands to settle
by Compromise the conflicts of title
between the State and Railroad Companies
to selected and unapproved Swamp
and overflowed Lands
W.R. Miller
Governor

On motion of Mr Gentrin all the
Members of the General Assembly were
invited to Seats upon the floor

Senator Judkins moves that the Senate now adjourn.

Upon which motion
The ayes and noes being called and sustained
The Secretary called the Roll
When the following Senators voted in the affirmative; Senators Judkins and Merrill 2.

In the negative Senators Armstead Boyd, Chism, Duncan, Ferguson, Gantt, Gatewood, Hanna, Harris, Kirk, Kerr, Mitchell, Pennington, Reid, Rutherford, Terry, Watson, Whittington, and Mr President 20

So the Senate refuses to adjourn

The question recurring on SB No 153.
Shall the Senate concur in the House Amendment Striking out the last subdivision to Section one of SB No 153.

The Secretary called the Roll
The following Senators voted in the affirmative Mess Armistead, Boyd, Chism, Duncan, Ferguson, Gantt, Gatewood, Hanna, Kirk, Kerr, Mitchell, Pennington, Rutherford, Terry, Watson, Whittington and Mr President 19

In the negative Senators Harris, Judkins, Merrill, Reid, Thornton, White and Williams 7.

So the Amendment was concurred in

On motion of Senator Judkins the Secretary was directed to notify the House of the concurrence by the Senate in the House Amendment.

The Secretary was directed to read the following Communication

Hon W. M. Duffie
President of the Senate

Dear Sir: Allow me through you to

expressing my thanks to the honorable body of Sen. ors for the many courtesies & favors & services and their uniform kindness to me during the fifty days I have been acting as their Enrolling and Engrossing Clerk. Ever mindful of the obligations assumed, I have endeavored faithfully to discharge my duties, and feel much gratified at the many expressions of satisfaction with my work by each which it has been to examine it. To the gentlemen composing the two Committees I return my especial thanks for their very great kindness

Yours respectfully
Mrs Mary D. Murrell

Senator Watson offers the following Resolution

Resolved by the Senate That a rate of three hundred to Mrs Mary D. Murrell Eng. & Enrolling Clerk for the prompt and efficient manner in which she has performed the duties of her office

Senator Boyd offers as a substitute the following

Resolved: That the thanks of the Senate be and is hereby tendered the President, Secretary, Asst. Secretary, Journal Clerk and his assistants, Enrolling and Engrossing Clerk, Sergeant at Arms, Door Keeper, Janitor and Pages, for the efficient and courteous manner in which they have discharged their duties during the present session of this body.

which was adopted

Senator Reid from the Committee appointed to notify the Governor reports that they have discharged that duty and that the Governor has no further

Communication to make to the Senate

Senator Judkins offers the following Resolution
Resolved: That the Secretary of the Senate be instructed to place in the office of the Secretary of State all Bills, Resolutions and other papers in his possession at the adjournment of the General Assembly

Which was adopted

Senator Judkins moved that the Governor be notified of the action of the Senate with regard to the election of Senator Penn as President

Senator Chase moved that a Committee of two be appointed to wait on and inform Judge Appleton that he was elected President of the Senate

Which was adopted

The Chair appointed Senators Chase and Hamlin as such Committee.

Senator Kerr offers the following Resolution

Resolved. That the President of the Senate elected at the beginning of every regular session of the General Assembly shall be and remain President until the next succeeding regular session, except the term of the President of the Senate expires before the next regular session, in which case he shall be and remain President of the Senate until the expiration of his term as a member of the Senate and thereafter the acting President elected at the close of the session shall become and remain President of the Senate until his successor shall be elected and qualified.

Resolved second. That in case of the removal, resignation, death

or disqualification of the President elect at the beginning of the Session, the other President elected at the close of the Session would immediately become and be President of the Senate until the Election and qualification of his Successor. The Resolution was subsequently withdrawn

On motion of Senator Kerr.
Senator Jones the President elect came forward and took and subscribed to the Oath of office prescribed by law Justice Harrison administering the same

Senator Boyd offers the following resolution

Resolved: That the Senate inform the House of Representatives that having completed its labors, it is now ready to adjourn sine die and awaits its further pleasure

S.B. 104. Senator Shiv from the Committee on Enrolled Bills reported S.B. No 104 correctly enrolled

Senator Kerr offered the following

Resolved, That the thanks of the Senate are due and are hereby tendered to Hon W. M. Ruffner President of the Senate for the able impartial and dignified manner in which he has presided over the deliberations of this body

which was adopted

The President thereupon returned thanks for the kind courtesy by the Senate and for many kindnesses shown

Senator Thornton moved that

the Senate now adjourn
And The Senate at 5:25 Oclock P.M
adjourned sine die

M M Duffie
President of the Senate.

attest
Lew A Ketchum
Secy

Mr President, Your Committee on Journals have
examined same and find the same to be correct —
Respectfully Submitted —

W H C Reid Chairman
E D Boyd

Report of Committee on Journals received —

M. M Duffie
President of the Senate

Attest
Lew A. Ketchum
Secy